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**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

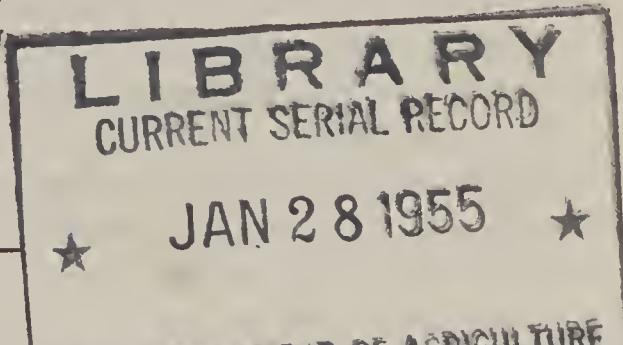
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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21001-21050

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 11, /955.

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**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**21001. Adulteration and misbranding of bread. U. S. v. Bon Ton, Inc., of Billings. Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 34337. Sample Nos. 29908-L, 29911-L.)**

**INFORMATION FILED:** July 7, 1953, District of Montana, against Bon Ton, Inc., of Billings, a corporation, at Billings, Mont.

**ALLEGED SHIPMENT:** On or about May 6 and 11, 1952, from the State of Montana into the State of Washington.

**LABEL, IN PART:** "Bon Ton Sliced White Bread Enriched 1½ Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect larva capsules, insect larvae, and insect fragments; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label on a portion of the article was false and misleading. The label represented and suggested that ½ pound of the article would provide at least the following amounts and percentages of the minimum daily requirements of essential food substances, namely, thiamine (vitamin B<sub>1</sub>) 55 percent, riboflavin (vitamin B<sub>2</sub>) 17.5 percent, niacin 5 milligrams, and iron 40 percent. One-half pound of the article provided smaller amounts of such food substances.

**DISPOSITION:** July 24, 1953. The defendant having entered a plea of nolo contendere, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

**21002. Adulteration and misbranding of bread. U. S. v. Bon Ton, Inc., of Missoula. Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 34338. Sample No. 29910-L.)**

**INFORMATION FILED:** July 7, 1953, District of Montana, against Bon Ton, Inc., of Missoula, a corporation, at Missoula, Mont.

**ALLEGED SHIPMENT:** On or about May 12, 1952, from the State of Montana into the State of Washington.

**LABEL, IN PART:** "Bon Ton Homade Potato Bread 1½ Lbs. Enriched."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect larvae and insect fragments; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label of the article was false and misleading. The label represented and suggested that ½ pound of the article would provide at least the following amounts and percentages of the minimum daily requirements of essential food substances, namely, thiamine (vitamin B<sub>1</sub>) 55 percent, riboflavin (vitamin B<sub>2</sub>) 17.5 percent, niacin 5 milligrams, and iron 40 percent. One-half pound of the article provided smaller amounts of such food substances.

**DISPOSITION:** July 24, 1953. The defendant having entered a plea of nolo contendere, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

### FLOUR

**21003. Adulteration of flour. U. S. v. 106 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 36027, 36079. Sample Nos. 52116-L to 52118-L, incl.)

**LIBELS FILED:** October 20 and November 2, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 15, August 24, and September 1, 1953, from Chicago, Ill., and Walla Walla, Wash.

**PRODUCT:** 329 100-pound bags of flour at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, insect excreta, insect webbing, and rodent excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 19, 1953. The libel actions having been consolidated and Raymond F. Kilthau, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Food and Drug Administration. The product subsequently was reprocessed for use as dog food.

**21004. Adulteration of flour. U. S. v. 58 Bags, etc. (F. D. C. No. 36121. Sample Nos. 59488-L, 59489-L.)**

**LIBEL FILED:** November 17, 1953, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about July 22 and September 15, 1953, from Chattanooga, Tenn.

**PRODUCT:** 58 50-pound bags and 10 100-pound bags of flour at Darlington, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 21, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21005. Adulteration of flour. U. S. v. 34 Bags, etc. (F. D. C. No. 35960. Sample Nos. 83514-L, 83515-L.)**

**LIBEL FILED:** November 6, 1953, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about June 24 and October 15, 1953, from Hastings and Wabasha, Minn.

**PRODUCT:** 94 50-pound bags of flour at Wilton, Wis., in possession of the Tillman Produce Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1953. The Tillman Produce Co., claimant, having admitted that the product was subject to condemnation, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration. The product was segregated, and 58 bags of flour were found unfit and were denatured for use as chickenfeed.

**21006. Adulteration of flour.** U. S. v. 11 Bags \* \* \*. (F. D. C. No. 35911. Sample No. 53248-L.)

**LIBEL FILED:** October 7, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about July 21, 1953, from Trenton, Ill.

**PRODUCT:** 11 100-pound bags of flour at Mayfield, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1953. Default decree of condemnation and destruction.

**21007. Adulteration of flour.** U. S. v. 157 Bags \* \* \*. (F. D. C. No. 35521. Sample No. 53247-L.)

**LIBEL FILED:** September 29, 1953, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about July 8 and September 1, 1953, from El Reno, Okla.

**PRODUCT:** 157 25-pound bags of flour at Camden, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21008. Adulteration of buckwheat flour.** U. S. v. 10 Bags \* \* \* (and 1 other seizure action). (F. D. C. No. 35965. Sample Nos. 53260-L, 53261-L.)

**LIBELS FILED:** November 12, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 15, 1949, and October 19, 1951, from Cohocton, N. Y.

**PRODUCT:** 19 100-pound bags of buckwheat flour at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1953. Default decrees of condemnation and destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21009. Adulteration of unpopped popcorn.** U. S. v. 253 Cases \* \* \*. (F. D. C. No. 35509. Sample No. 56129-L.)

**LIBEL FILED:** September 23, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about July 8, 1953, from Dixon, Ill.

**PRODUCT:** 253 cases, each containing 12 2-pound bags, of unpopped popcorn at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 2, 1953. Purity Mills, Inc., Dixon, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product subsequently was segregated, with the result that 35 cases were found unfit and were denatured for use as hog feed.

**21010. Adulteration of rice. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 35702. Sample No. 59913-L.)**

**LIBEL FILED:** October 8, 1953, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about June 6, 1953, from Stuttgart, Ark.

**PRODUCT:** 26 100-pound bags of rice at Savannah, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 19, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21011. Adulteration of wheat. U. S. v. 125,000 Pounds \* \* \*. (F. D. C. No. 34277. Sample No. 14838-L.)**

**LIBEL FILED:** December 4, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 23, 1952, by the Unling Grain Co., from Red Willow, Nebr.

**PRODUCT:** 125,000 pounds of wheat at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of being contaminated with rodent excreta.

**DISPOSITION:** December 10, 1952. B. C. Christopher & Co., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into livestock feed under the supervision of the Department of Health, Education, and Welfare.

**21012. Adulteration of Jiffimalt (a corn product). U. S. v. 58 Bags \* \* \*. (F. D. C. No. 35946. Sample No. 83860-L.)**

**LIBEL FILED:** October 28, 1953, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about July 6, 1953, from Paris, Ill.

**PRODUCT:** 58 100-pound bags of Jiffimalt at Fountain City, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1953. The Fountain Brewing Co., claimant, having admitted that the product was subject to condemnation, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Food and Drug Administration. The product subsequently was denatured for use as animal feed.

## DAIRY PRODUCTS

### BUTTER

**21013. Adulteration of butter. U. S. v. 40 Cartons (2,640 pounds) \* \* \*. (F. D. C. No. 35889. Sample Nos. 50691-L, 50692-L.)**

**LIBEL FILED:** September 22, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1953, by the Harding Cream Co., from Kansas City, Mo.

**PRODUCT:** 40 66-pound cartons of butter at Hillside, N. J.

**LABEL, IN PART:** "Town Talk \* \* \* Sweet Butter Distributed by Harding Cream Co. Omaha, Nebr."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 12, 1953. The Sugar Creek Creamery Co., Danville, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil, under the supervision of the Department of Health, Education, and Welfare.

**21014. Adulteration of butter. U. S. v. 7 Cartons (448 pounds) \* \* \*. (F. D. C. No. 35855. Sample No. 61952-L.)**

**LIBEL FILED:** October 7, 1953, District of Nebraska.

**ALLEGED SHIPMENT:** On or about August 24, 1953, by the Fairmont Foods Co., from Sioux City, Iowa.

**PRODUCT:** 7 64-pound cartons of butter at Omaha, Nebr. Examination showed that the product contained fly and other insect fragments and manure fragments.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** December 24, 1953. The shipper of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21015. Adulteration of butter. U. S. v. 22 Cases, etc. (F. D. C. No. 35856. Sample No. 70861-L.)**

**LIBEL FILED:** September 1, 1953, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 1 and 5, 1953, by the Beatrice Foods Co., from Champaign, Ill.

**PRODUCT:** 22 cases, each containing 32 1-pound rolls, of butter, and 15 1-pound rolls of butter at Indianapolis, Ind.

LABEL, IN PART: (Rollwrapper) "White Rose Farm Rolls \* \* \* Butter 1 lb. Net Distributed By Beatrice Creamery Company General Offices, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Analysis showed that the article was made from decomposed cream.)

DISPOSITION: September 24, 1953. Default decree of forfeiture and destruction.

## EGGS

21016. Adulteration of frozen eggs. U. S. v. 1,000 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 33667, 34202. Sample Nos. 11797-L, 36391-L.)

LIBELS FILED: August 29 and November 5, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 9 and October 15, 1952, by Schneider Bros., Inc., from Springfield, Mo.

PRODUCT: 1,223 30-pound cans of frozen eggs at Indianapolis, Ind.

LABEL, IN PART: (Can) "Whole Eggs \* \* \* Packed by Producers Produce Co. Springfield, Missouri."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 20 and December 4, 1952. Schneider Bros., Inc., and Producers Produce Co. having appeared as claimants for the lot of 1,000 cans of the product, Schneider Bros., Inc., having appeared as sole claimant for the lot of 223 cans, and such claimants having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. 115 cans of the 223-can lot and 120 cans of the 1,000-can lot were found unfit and were denatured for use as hog feed.

## FISH AND SHELLFISH

21017. Adulteration of canned tuna. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 35968. Sample No. 64568-L.)

LIBEL FILED: November 17, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about April 6, 1953, from Astoria, Oreg.

PRODUCT: 5 cases, each containing 100 3½-ounce cans, of tuna at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 8, 1954. Default decree of condemnation and destruction.

21018. Adulteration of crabmeat. U. S. v. 2,421 Cans \* \* \*. (F. D. C. No. 35864. Sample No. 59783-L.)

LIBEL FILED: On or about October 15, 1953, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 7, 1953, by the Shoemaker Food Co., from Fernandina, Fla.

**PRODUCT:** 2,421 1-pound cans of crabmeat at Steelton, Pa.

**LABEL, IN PART:** "Shoemakers \* \* \* Crab Meat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with *E. coli* of human origin.

**DISPOSITION:** November 10, 1953. Decree of condemnation and destruction.

**21019. Adulteration of crabmeat. U. S. v. 296 Cans \* \* \*. (F. D. C. No. 35861. Sample No. 49725-L.)**

**LIBEL FILED:** On or about October 5, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 21, 1953, by the Daniels Sea Food Co., from Fort Myers, Fla.

**PRODUCT:** 296 1-pound cans of crabmeat in 3 barrels at New York, N. Y.

**LABEL, IN PART:** (Can) "Fresh Crabmeat All Lump Crabmeat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

**DISPOSITION:** October 23, 1953. Default decree of condemnation and destruction.

**21020. Adulteration of crabmeat. U. S. v. 100 Tins \* \* \*. (F. D. C. No. 35852. Sample No. 46810-L.)**

**LIBEL FILED:** September 3, 1953, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 20, 1953, by Reuther's Seafood Co., Inc., from New Orleans, La.

**PRODUCT:** 100 tins of crabmeat at Canton, Ohio. Analysis showed that the product was contaminated with *E. coli* of fecal origin.

**LABEL, IN PART:** "Reuther's One Pound Net Weight Crab Meat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

**DISPOSITION:** October 8, 1953. Default decree of condemnation and destruction.

**21021. Adulteration of crabmeat. U. S. v. 27 Cans \* \* \*. (F. D. C. No. 35853. Sample No. 50928-L.)**

**LIBEL FILED:** September 2, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 22, 1953, from Jacksonville, Fla.

**PRODUCT:** 27 1-pound cans of crabmeat at New York, N. Y. Examination showed that the product was contaminated with fecal *E. coli*.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 21, 1953. Default decree of condemnation and destruction.

**21022. Adulteration and misbranding of oysters. U. S. v. 152 Cans, etc.**  
(F. D. C. No. 35490. Sample Nos. 57866-L, 57868-L.)

**LIBEL FILED:** September 17, 1953, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about September 14, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 152 cans of oysters standards and 72 cans of oysters selects at Greensburg, Ind.

**LABEL IN PART:** (Can) "Pride of Chesapeake Bay Oysters One Pint Net."

**NATURE OF CHARGE:** Adulteration (both lots), Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding (152-can lot), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short volume).

**DISPOSITION:** September 24, 1953. Default decree of forfeiture. The court ordered that the product be delivered to a public institution.

**21023. Adulteration of oysters. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 35530.**  
Sample No. 57787-L.)

**LIBEL FILED:** October 3, 1953, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 30, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 1 barrel containing 144 cans of oysters at Xenia, Ohio.

**LABEL IN PART:** (Can) "Oysters Standards \* \* \* One Pint Net Pride of Chesapeake Bay Oysters."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** October 3, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

**21024. Adulteration of canned shrimp. U. S. v. 165 Cases \* \* \*. (F. D. C. No. 36100. Sample No. 50143-L.)**

**LIBEL FILED:** November 9, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 10, 1952, from New York, N. Y.

**PRODUCT:** 165 cases, each containing 100 1 1/2-ounce cans, of shrimp at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of discolored shrimp with a strong disagreeable odor. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1953. Default decree of condemnation and destruction.

**21025. Adulteration of canned shrimp. U. S. v. 110 Cases, etc. (F. D. C. Nos. 36080 to 36084, incl. Sample Nos. 23041-L to 23045-L, incl.)**

**LIBEL FILED:** October 28, 1953, District of Puerto Rico.

**ALLEGED SHIPMENT:** On or about August 26, 1953, by the American Sun Dried Shrimp Co., from Houma, La.

**PRODUCT:** 155 cases, each containing 24 cans, of shrimp at Rio Piedras, Bayamon, and San Juan, P. R.

**LABEL, IN PART:** (Can) "Helen Ann Brand Wet Pack Small Shrimp Drained Weight 5 Ozs." and "Gulf Brand Shrimp Wet Pack Drained weight 5 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp, and it was otherwise unfit for food by reason of the presence of blackened shrimp with a sulfide odor.

**DISPOSITION:** December 17, 1953. Default decree of condemnation and destruction.

**21026. Adulteration of frozen shrimp. U. S. v. 101 Cases \* \* \*. (F. D. C. No. 36070. Sample Nos. 50137-L, 50138-L.)**

**LIBEL FILED:** October 30, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 11, 1953, by the J. V. J. Sales Co., from Brownsville, Tex.

**PRODUCT:** 101 cases, each containing 10 cartons, of frozen shrimp at New York, N. Y.

**LABEL, IN PART:** (Carton) "Five Pounds Net weight Medium Frozen Fresh Shrimp Peeled" or "Medium Laguna Frozen Fresh Headless Peeled Shrimp Full Glaze."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** December 1, 1953. The Pelican Oyster & Fish Co., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. As a result of the segregation operations, the entire amount of the product under seizure was destroyed.

**21027. Adulteration of frozen shrimp. U. S. v. 63 Cases \* \* \*. (F. D. C. No. 35533. Sample No. 61954-L.)**

**LIBEL FILED:** October 7, 1953, District of Nebraska.

**ALLEGED SHIPMENT:** On or about September 23, 1953, by the Ho-Ma Packing Co., from Brownsville, Tex.

**PRODUCT:** 63 cases, each containing 10 5-pound packages, of frozen shrimp at Omaha, Nebr.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** November 4, 1953. The Ho-Ma Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought

into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was segregated, with the result that 47½ pounds were found unfit and were denatured for use as fish bait.

**21028. Adulteration of frozen breaded shrimp. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 35724. Sample Nos. 58577-L, 58583-L.)**

**LIBEL FILED:** October 20, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 4, 1953, by Gulf Stream Quick Frozen Foods, Inc., from Miami, Fla.

**PRODUCT:** 100 cases, each containing 12 boxes, of frozen breaded shrimp at Chicago, Ill.

**LABEL, IN PART:** (Box) "Gulf Stream Brand \* \* \* Quick Frozen Jumbo Breaded Fantail Shrimp \* \* \* Net Weight 2½ Pounds."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** December 15, 1953. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21029. Adulteration of canned apples. U. S. v. 79 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36015, 36016. Sample Nos. 61890-L, 81670-L.)**

**LIBELS FILED:** December 21, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about March 4 and July 9 and 24, 1953, by the Hershey Wholesale Grocery Co., from Kansas City, Mo.

**PRODUCT:** 92 cases, each containing 6 cans, of apples at Hutchinson and Larned, Kans.

**LABEL, IN PART:** (Can) "Gaylord Brand Contents 6 Lbs. Sliced Apples Gaylord Canning Co. Packers-Distributors Sodus, N. Y." or "Little Boy Brand Solid Pack Sliced Apples Contents 6 Lbs. 2 Oz. Packed By A. T. Hipke & Sons, Inc. New Holstein, Wis."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed apple material.

**DISPOSITION:** March 25, 1954. Default decrees of condemnation. The court ordered that the product be delivered to State institutions, for use as animal feed.

**21030. Adulteration of canned apples. U. S. v. 27 Cases, etc. (F. D. C. No. 36014. Sample No. 61889-L.)**

**LIBEL FILED:** December 15, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 13, 1953, by the Hershey Wholesale Grocery Co., from Kansas City, Mo.

**PRODUCT:** 85 cases, each containing 6 cans of apples at Parsons, Kans.

**LABEL, IN PART:** (Can) "Gaylord Brand Contents 6 Lbs. Sliced Apples Gaylord Canning Co. Packers-Distributors Sodus, N. Y." or "Little Boy

Brand Solid Pack Sliced Apples Contents 6 Lbs. 2 Oz. Packed by A. T. Hippke & Sons, Inc. New Holstein, Wis."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 25, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

### DRIED FRUIT

**21031. Adulteration of prunes. U. S. v. 550 Cases \* \* \*. (F. D. C. No. 36174. Sample No. 41643-L.)**

**LIBEL FILED:** December 4, 1953, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 19, 1953, from San Francisco, Calif.

**PRODUCT:** 550 30-pound cases of prunes at Aspers, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 28, 1953. Default decree of condemnation and destruction.

**21032. Adulteration of prunes. U. S. v. 60 Cases \* \* \*. (F. D. C. No. 36085. Sample Nos. 72158-L, 72160-L.)**

**LIBEL FILED:** October 27, 1953, District of Columbia.

**ALLEGED SHIPMENT:** On or about July 14, 1953, from Baltimore, Md.

**PRODUCT:** 60 cases, each containing 24 2-pound cartons, of prunes at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1953. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

**21033. Adulteration of raisins. U. S. v. 62 Cartons \* \* \*. (F. D. C. No. 35932. Sample No. 65493-L.)**

**LIBEL FILED:** October 26, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 11, 1953, from Dinuba, Calif.

**PRODUCT:** 62 cartons, each containing 8 2-pound boxes, of raisins at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 9, 1953. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

**VEGETABLES AND VEGETABLE PRODUCTS**

**21034. Adulteration of dried beans.** U. S. v. 17 Bags \* \* \*. (F. D. C. No. 35948. Sample No. 83511-L.)

**LIBEL FILED:** October 28, 1953, District of North Dakota.

**ALLEGED SHIPMENT:** On or about June 6, 1953, from Glendive, Mont.

**PRODUCT:** 17 100-pound bags of dried beans at Fargo, N. Dak., in possession of the International Elevator Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 4, 1953. The International Elevator Co. having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21035. Adulteration of canned corn.** U. S. v. 43 Cases \* \* \*. (F. D. C. No. 35952. Sample No. 61969-L.)

**LIBEL FILED:** November 4, 1953, District of Nebraska.

**ALLEGED SHIPMENT:** On or about August 17, 1953, by the Green Giant Co., from Glencoe, Minn.

**PRODUCT:** 43 cases, each containing 48 cans, of corn at Lincoln, Nebr.

**LABEL, IN PART:** (Can) "Niblets Brand Vacuum Packed Fresh Corn Off The Cob Contents 7 Ounces Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 23, 1954. The Green Giant Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 9 cases and 27 cans of the product were found to be unfit and were destroyed.

**21036. Adulteration and misbranding of olives and sweet peppers.** U. S. v. 185 Cases \* \* \*. (F. D. C. No. 36066. Sample No. 59179-L.)

**LIBEL FILED:** October 29, 1953, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 17, 1953, by the J. Ossola Co., from New York, N. Y.

**PRODUCT:** 185 cases, each containing 12 jars, of olives and sweet peppers at Tampa, Fla.

**LABEL, IN PART:** (Jar) "Net Cont. 24 Oz. Torino \* \* \* Salad Olives With Sweet Peppers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested olives.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

**DISPOSITION:** December 10, 1953. The J. Ossola Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. The product subsequently was destroyed.

**21037. Adulteration of olives and sweet peppers. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 35995. Sample No. 55971-L.)**

**LIBEL FILED:** November 27, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 20, 1953, by the Manhattan Packing Co., from McKees Rocks, Pa.

**PRODUCT:** 5 cases, each containing 12 jars, of olives and sweet peppers at Buffalo, N. Y.

**LABEL, IN PART:** (Jar) "York Brand Net Wt. 1 Lb. 5 Ozs. Salad Olives With Spanish Sweet Peppers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives.

**DISPOSITION:** December 29, 1953. Default decree of condemnation and destruction.

**21038. Adulteration of olives and sweet peppers. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 35961. Sample No. 55877-L.)**

**LIBEL FILED:** November 9, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 6, 1953, by the Manhattan Packing Co., from Pittsburgh, Pa.

**PRODUCT:** 4 cases, each containing 12 jars, of olives and sweet peppers at Kenmore, N. Y.

**LABEL, IN PART:** (Jar) "York Brand Net Wt. 1 Lb. 5 Ozs. Salad Olives With Spanish Sweet Peppers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives.

**DISPOSITION:** December 9, 1953. Default decree of condemnation and destruction.

**21039. Adulteration of olives and sweet peppers. U. S. v. 3 Cases. \* \* \*. (F. D. C. No. 36005. Sample No. 55972-L.)**

**LIBEL FILED:** December 1, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 6, 1953, by Albert Orringer, from McKees Rocks, Pa.

**PRODUCT:** 3 cases, each containing 24 jars, of olives and sweet peppers at Buffalo, N. Y.

**LABEL, IN PART:** (Jar) "York Brand Net Wt. 10 Ozs. Salad Olives With Spanish Sweet Peppers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives.

**DISPOSITION:** December 29, 1953. Default decree of condemnation and destruction.

**21040. Adulteration of frozen black-eyed peas. U. S. v. 13 Cases \* \* \*. (F. D. C. No. 36124. Sample No. 78649-L.)**

**LIBEL FILED:** November 19, 1953, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about September 3, 1953, by Southern Frozen Foods, Inc., from Montezuma, Ga.

**PRODUCT:** 13 cases, each containing 24 packages, of frozen black-eyed peas at Lexington, Ky.

**LABEL, IN PART:** (Package) "McKenzie's Frozen Fresh Blackeye Peas Net Wt. 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged peas.

**DISPOSITION:** December 17, 1953. Default decree of destruction.

**21041. Adulteration of dried green split peas. U. S. v. 230 Bags \* \* \*. (F. D. C. No. 36040. Sample No. 72156-L.)**

**LIBEL FILED:** October 20, 1953, District of Columbia.

**ALLEGED SHIPMENT:** On or about November 4, 1952, from Oakesdale, Wash.

**PRODUCT:** 230 25-pound bags of dried green split peas at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1953. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

**21042. Adulteration of pickle chips. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 36044. Sample No. 73581-L.)**

**LIBEL FILED:** October 27, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 14, 1953, by Well-Maid Foods, from Philadelphia, Pa.

**PRODUCT:** 8 cases, each containing 12 jars, of pickle chips at Brigantine, N. J.

**LABEL, IN PART:** (Jar) "Well-Maid Contents 1 Fl. Quart Fresh Pack Kosher Chips."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, fly fragments, and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 8, 1953. Default decree of condemnation and destruction.

**21043. Adulteration of canned rice. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36069. Sample No. 45733-L.)**

**LIBEL FILED:** October 26, 1953, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 10, 1952, from Duluth, Minn.

PRODUCT: 6 cases, each containing 24 units and each unit containing 1 can of rice and 1 can of beef chop suey, at Cambridge, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the portion of the article containing rice was unfit for food by reason of discoloration and contamination with lacquer from the cans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1953. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

**21044. Adulteration of canned tomatoes. U. S. v. 2,000 Cases \* \* \*. (F. D. C. No. 35976. Sample No. 48025-L.)**

LIBEL FILED: November 19, 1953, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 7, 14, and 29, 1953, by A. W. Sisk & Son, from Richmond, Va.

PRODUCT: 2,000 cases, each containing 24 cans, of tomatoes at Montgomery, Ala.

LABEL, IN PART: (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Oz. \* \* \* Packed by Belmont Canning Co. Threeway, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 6, 1954. Default decree of condemnation and destruction.

**21045. Adulteration of canned tomatoes. U. S. v. 664 Cases \* \* \*. (F. D. C. No. 36065. Sample No. 59186-L.)**

LIBEL FILED: October 28, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 19, 1953, by the Hynson Canning Co., from Hynson, Md.

PRODUCT: 664 cases, each containing 24 cans, of tomatoes at Tampa, Fla.

LABEL, IN PART: (Can) "Zakly-Rite Tomatoes \* \* \* Contents 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 8, 1953. Default decree of condemnation and destruction.

**21046. Adulteration of canned tomatoes. U. S. v. 160 Cases \* \* \*. (F. D. C. No. 36134. Sample No. 50633-L.)**

LIBEL FILED: November 25, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 17, 1953, by H. H. & B. H. Nuttle, from Hickman, Md.

PRODUCT: 160 cases, each containing 6 cans, of tomatoes at Mount Vernon, N. Y.

LABEL, IN PART: (Can) "Dandy Hand Packed Tomatoes Contents 1 Lb. 3 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** December 15, 1953. Default decree of condemnation and destruction.

**21047. Misbranding of tomato puree. U. S. v. 683 Cases \* \* \*. (F. D. C. No. 35966. Sample No. 63519-L.)**

**LIBLE FILED:** November 12, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 6, 1952, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 683 cases, each containing 6 cans, of tomato puree at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato Puree \* \* \* 6 Lbs. 8 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free solids, the minimum permitted by the definition and standard.

**DISPOSITION:** February 3, 1954. The Akin Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled as "Imitation Tomato Puree," with the new label bearing also the words "Lightly concentrated tomato juice made in part from residual tomato material from canning"; or, as an alternative, that the product be held for use in soups, pork and beans, or tomato sauce in dry packed vegetables canned by the claimant, with all of such work to be done under the supervision of the Department of Health, Education, and Welfare.

### **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE \***

**21048. Adulteration and misbranding of Special capsules. U. S. v. 64,000 Capsules \* \* \*. (F. D. C. No. 35971. Sample No. 65374-L.)**

**LIBLE FILED:** November 18, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** During September 1950, from Detroit, Mich.

**PRODUCT:** 64,000 Special capsules in 12 cartons at Minneapolis, Minn. Analysis showed that the product contained 63 percent of the declared amount of vitamin B<sub>1</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients in Each Capsule: \* \* \* Thiamine Hydrochloride USP 3 Mg." was false and misleading as applied to the article, which contained less than the declared amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1954. Default decree of destruction.

**21049. Adulteration and misbranding of Procarmin and elixir of vitamin B complex. U. S. v. 20 Bottles, etc. (F. D. C. No. 36078. Sample Nos. 65364-L, 65365-L.)**

**LIBLE FILED:** October 29, 1953, District of Minnesota.

\*See also Nos. 21001, 21002.

**ALLEGED SHIPMENT:** During the early part of November 1949, and on or about July 31, 1951, from Chicago, Ill., and New York, N. Y.

**PRODUCT:** 20 12-ounce bottles of Procarmine and 7 1-gallon bottles of elixir of vitamin B complex at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements (20-bottle lot) "100 Grams \* \* \* will supply: \* \* \* Thiamine \* \* \* 15 Mgms." and (7-bottle lot) "Each fluid ounce \* \* \* contains: 3 mg. Vitamin B<sub>1</sub>" were false and misleading as applied to the articles, which contained less than the stated amounts of vitamin B<sub>1</sub>.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 28, 1953. Default decree of destruction.

**21050. Adulteration and misbranding of Doctor's Formula 21, Formula 5, and Formula 11 (dietary supplements). U. S. v. 24 Bottles, etc. (F. D. C. No. 36117. Sample Nos. 40009-L, 40391-L, 40392-L.)**

**LABEL FILED:** November 17, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 28, 1953, by the Doctor's Vitamin Co., from Las Vegas, Nev.

**PRODUCT:** 24 bottles of Doctor's Formula 21, 133 bottles of Formula 5, and 268 bottles of Formula 11 at Los Angeles, Calif.

**LABEL, IN PART:** (Bottle) "Doctor's Formula 21 Each three tablets contain: Vitamin A (Palmitate). . . . 1,000 I. U. \* \* \* 90 Tablets Suggested Use: Three tablets daily as a dietary supplement, or as directed by your doctor," "Formula 5 Each Capsule Contains: \* \* \* Vitamin A (Palmitate) 1667 U. S. P. Units \* \* \* 90 Capsules \* \* \* Suggested Use: As a dietary supplement, one capsule before each meal, or as directed by your doctor," and "Formula 11 Each Capsule Contains: \* \* \* Vitamin A. . . . 8500 U. S. P. Units \* \* \* 30 Capsules \* \* \* Suggested Use: One capsule daily as a dietary supplement, or as directed by your doctor."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements (Formula 21) "Each three tablets contain: Vitamin A \* \* \* 1,000 I. U.," (Formula 5) "Each Capsule Contains: \* \* \* Vitamin A \* \* \* 1667 U. S. P. Units," and (Formula 11) "Each Capsule Contains: \* \* \* Vitamin A. . . . 8500 U. S. P. Units" were false and misleading as applied to the articles, which contained less than the stated amounts of vitamin A.

**DISPOSITION:** December 15, 1953. Default decree of condemnation and destruction.

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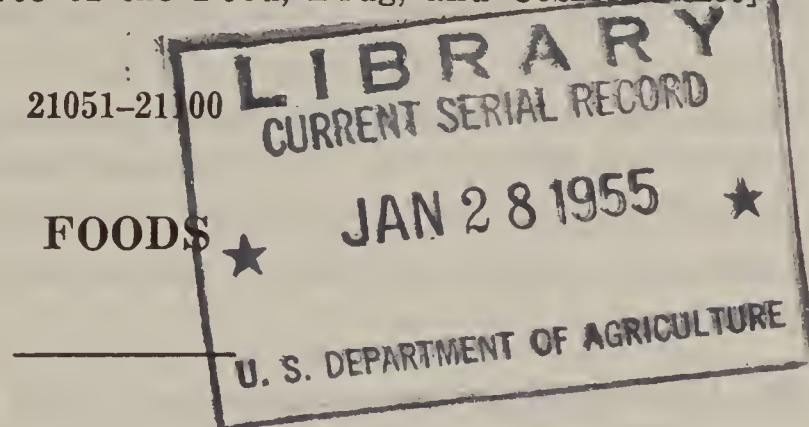
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# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act.]



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 12, 1955.*

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**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**21051. Adulteration of french bread. U. S. v. 33 Cartons \* \* \*. (F. D. C. No. 36246. Sample No. 42933-L.)**

**LIBEL FILED:** December 14, 1953, District of Hawaii.

**ALLEGED SHIPMENT:** On or about November 25, 1953, by Larraburu Bros., from San Francisco, Calif.

**PRODUCT:** 33 cartons, each containing 30 loaves, of french bread at Honolulu, T. H.

**LABEL, IN PART:** "Larraburu Bros. Genuine Old Style Sour French Bread Standard Loaf Min. Wt. 15 Oz. New Parisian Bakery."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 27, 1954. Default decree of condemnation and destruction.

**21052. Adulteration of ice cream cones. U. S. v. 180 Cans, etc. (F. D. C. No. 35714. Sample Nos. 52112-L, 52114-L.)**

**LIBEL FILED:** October 14, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 1 and 15, 1953, by the Consolidated Wafer & Cone Corp., from Brooklyn, N. Y.

**PRODUCT:** 180 cans and 30 cases, each case containing 10 boxes, of ice cream cones at Belmar, N. J.

**LABEL, IN PART:** (Can) "Quality Sugar Cones \* \* \* Contents 300"; (box) "Delicious Q-T Cone Nutritious This box contains 100 Q-T Cones."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 27, 1953. Default decree of condemnation and destruction.

**FLOUR**

**21053. Adulteration of flour. U. S. v. 36 Bags, etc. (F. D. C. No. 36357. Sample Nos. 72495-L, 72496-L.)**

**LIBEL FILED:** January 25, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about October 16 and December 7, 1953, from Denver, Colo.

**PRODUCT:** 64 50-pound bags of flour at Staunton, Va., in possession of Staunton Wholesale Cash Grocery, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 29, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use other than for human consumption.

**21054. Adulteration of flour. U. S. v. 46 Bags, etc. (F. D. C. No. 36386. Sample Nos. 47982-L to 47987-L, incl.)**

**LIBEL FILED:** February 10, 1954, Northern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 19, October 7 and 23, November 13, and December 1 and 10, 1953, from Hutchinson and Arkansas City, Kans., and Wichita Falls, Tex.

**PRODUCT:** 46 50-pound bags and 1,598 25-pound bags of flour at Tupelo, Miss., in the possession of Malone and Hyde, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 31, 1954. Default decree of condemnation and destruction.

**21055. Adulteration of flour. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 35529. Sample No. 53280-L.)**

**LIBEL FILED:** October 1, 1953, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about August 22, 1953, from Arkansas City, Kans.

**PRODUCT:** 45 25-pound bags of flour at Fort Smith, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

**21056. Adulteration of flour and roll mix. U. S. v. 84 Bags, etc. (F. D. C. No. 35708. Sample Nos. 59779-L, 59780-L, 59782-L.)**

**LIBEL FILED:** October 8, 1953, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 1 and September 4 and 29, 1953, from Richmond, Va., Louisville, Ky., and Springfield, Ill.

**PRODUCT:** 91 100-pound bags of flour and 9 100-pound bags of roll mix at Durham, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The

articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 1, 1953. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions, conditioned that they be denatured and used as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**21057. Adulteration of yellow corn.** U. S. v. 121,000 Pounds \* \* \*. (F. D. C. No. 35927. Sample No. 19726-L.)

**LIBLE FILED:** October 19, 1953, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 1, 1953, by the Lime Creek Grain Co., from Lime Creek, Minn.

**PRODUCT:** 121,000 pounds of yellow corn at Sioux City, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of musty corn.

**DISPOSITION:** October 28, 1953. The Lime Creek Grain Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 49,160 pounds of the product were found to be good and were released. The remainder of the product was denatured for use as animal feed.

**21058. Adulteration of unpopped popcorn in oil.** U. S. v. Rose Kist Foods, Inc. (Rose City Foods, Inc.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 35110. Sample Nos. 2189-L, 2708-L, 59220-L, 59221-L.)

**INFORMATION FILED:** On or about October 22, 1953, Middle District of Georgia, against Rose Kist Foods, Inc., trading as Rose City Foods, Inc., at Thomasville, Ga.

**ALLEGED SHIPMENT:** On or about October 3 and November 11, 19, and 29, 1952, from the State of Georgia into the States of North Carolina, Florida, and South Carolina.

**LABEL, IN PART:** (Jar) "Net Wt. 11½ Ozs. Rosekist Pour N'Pop Popcorn & Oil Hybrid popcorn, vegetable oil, artificially colored & flavored Directions: Pop and Salt to taste Rose City Foods, Inc., Thomasville, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** March 17, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000.

**21059. Adulteration of unpopped popcorn.** U. S. v. 25 Bags, etc. (F. D. C. No. 35497. Sample No. 8598-L.)

**LIBLE FILED:** September 19, 1953, Northern District of New York.

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\*See also No. 21056.

**ALLEGED SHIPMENT:** On or about August 31, 1953, from Atchison, Kans.

**PRODUCT:** 25 100-pound bags and 2 50-pound bags of unpopped popcorn at Syracuse, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 9, 1953. Default decree of condemnation and destruction.

**21060. Adulteration of wheat cereal. U. S. v. 15 Bags \* \* \*. (F. D. C. No. 36304. Sample No. 82636-L.)**

**LIBEL FILED:** February 2, 1954, Western District of New York.

**ALLEGED SHIPMENT:** On or about December 28, 1952, from St. Louis, Mo.

**PRODUCT:** 15 50-pound bags of wheat cereal at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 3, 1954. Default decree of condemnation and destruction.

**21061. Misbranding of cereal product. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 35051. Sample No. 64595-L.)**

**LIBEL FILED:** May 27, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about May 19, 1953, by the Hood Sales Co., from Portland, Oreg.

**PRODUCT:** 6 cases, each containing 30 dozen unlabeled packages, 1½-ounce size, of a cereal product at Seattle, Wash. Examination showed that the product was deep-fried cornmeal in the form of curls and that it contained artificial coloring and flavoring.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label stating the common or usual name of each such ingredient; and, Section 403 (k), the article contained artificial coloring and artificial flavoring and failed to bear a label stating that fact.

**DISPOSITION:** March 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY

**21062. Adulteration of candy. U. S. v. 29 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36315, 36316. Sample Nos. 43535-L, 43536-L.)**

**LIBELS FILED:** February 15, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 2 and October 13, 1953, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** Candy. 29 cases, each containing 12 boxes, and 188 cases, each containing 12 display cartons, at San Francisco, Calif. Each display carton contained 24 boxes of candy.

**LABEL, IN PART:** (Box) "B-B Buddy Bar 120 Count" and "Malties Pure Chocolate Coated Malted Milk Balls \* \* \* Net Wt. 7/8 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and cockroach parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 16, 1954. Default decrees of condemnation and destruction.

**21063. Misbranding of candy. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 36131. Sample No. 84596-L.)**

**LIBEL FILED:** November 20, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 12, 1953, by Luden's, Inc., from Reading, Pa.

**PRODUCT:** 10 cases, each containing 12 boxes, of candy at Camden, N. J. Examination showed that each box contained 2 1-pound boxes of chocolates and 1 1/2-pound box of chocolate-covered cherries. A cardboard filler under the 1/2-pound box gave it the appearance of being the same depth as the 1-pound boxes. The 1-pound boxes had a full top layer, made visible by a cellophane cover. The bottom layer of each contained 10 less pieces than the top layer of 23 pieces loosely distributed, with cardboard foundations to support the top layer uniformly. The 1/2-pound box also had two false ends in the box. With these removed, three more units easily could be packed in the box. Removed from the individual boxes and packed in the conventional manner in the large box, without crowding, the entire contents filled the lower layer and slightly more than 1/3 of the top layer. Calculated on a weight basis, the box, with conventional packing, easily would hold 3.6 pounds.

**LABEL, IN PART:** (Box) "Holiday Favorites Chocolate Assortment \* \* \* 2 1/2 Lbs. Net Wt."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading since the 1/2-pound boxes contained a filler which gave them the appearance of being the same depth as the 1-pound boxes, and also had 2 false ends, and since the 1-pound box had a top layer of 23 pieces loosely distributed, made visible through a cellophane cover, while the bottom layer contained 10 less pieces than the top layer and contained cardboard foundations to support the top layer uniformly.

**DISPOSITION:** December 18, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

**21064. Adulteration of Popettes (candied popcorn). U. S. v. 3,816 Packages \* \* \*. (F. D. C. No. 36295. Sample No. 69843-L.)**

**LIBEL FILED:** January 25, 1954, District of Utah.

**ALLEGED SHIPMENT:** On or about July 6 and August 11, 1953, by Stone's Pop Corn, from Rigby, Idaho.

**PRODUCT:** 3,816 packages of Popettes at Salt Lake City, Utah. Examination showed that the packages contained what is commonly known as candied popcorn. It contained approximately 50 parts per million of saccharin.

**LABEL, IN PART:** "Popettes \* \* \* Net Wt. 1½ Ozs. Ingredients: Pop Corn, Sugar, Salt, Corn Syrup, Honey, Vegetable Oil, Saccharin, Flavoring, U. S. Certified Color."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), the nonnutritive artificial sweetener, saccharin, had been substituted in whole or in part for sugar; and, Section 402 (d), the article was confectionery and contained a non-nutritive substance, saccharin.

**DISPOSITION:** March 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to an educational institution for its use and not for sale.

### CHOCOLATE

**21065. Adulteration of chocolate. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 36363. Sample No. 84441-L.)**

**LIBEL FILED:** February 1, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 29, 1953, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 6 200-pound bags of chocolate at Trenton, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 3, 1954. Default decree of condemnation and destruction.

### SIRUP

**21066. Adulteration and misbranding of sorghum sirup. U. S. v. Roy R. McClain. Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 35152. Sample Nos. 19782-L, 19807-L.)**

**INFORMATION FILED:** September 1, 1953, Western District of Missouri, against Roy R. McClain, Joplin, Mo.

**ALLEGED SHIPMENT:** On or about February 18 and 20, 1953, from the State of Missouri into the States of Minnesota and Iowa.

**LABEL, IN PART:** (Can) "Country Sorghum Made By W. W. Dollar & Sons Rogers, Arkansas."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting of a mixture of glucose and sorghum had been substituted for sorghum.

Misbranding, Section 403 (a), the label statement "Sorghum" was false and misleading since it represented and suggested that the article consisted entirely of sorghum, whereas it consisted of a mixture of sorghum and glucose.

**DISPOSITION:** December 7, 1953. The defendant having entered a plea of guilty, the court fined him \$200, plus costs.

**21067. Adulteration and misbranding of sorghum sirup.** U. S. v. 16 Cases \* \* \*.  
(F. D. C. No. 35064. Sample No. 19782-L.)

**LIBEL FILED:** June 1, 1953, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 20, 1953, by Roy McClain, from Joplin, Mo.

**PRODUCT:** 16 cases, each containing 12 1-quart, 13-ounce cans, of sorghum sirup at Laurens, Iowa.

**LABEL, IN PART:** "Country Sorghum Made By W. W. Dollar & Sons Rural Route 1 Rogers, Arkansas."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of glucose and sorghum had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading as applied to a mixture of glucose and sorghum.

**DISPOSITION:** July 1, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for consumption by the inmates.

## SUGAR

**21068. Adulteration of sugar.** U. S. v. 2,449 Pounds \* \* \*. (F. D. C. No. 35950.  
Sample No. 78765-L.)

**LIBEL FILED:** November 3, 1953, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 6, 9, and 13, 1953, from Boston, Mass., and Philadelphia, Pa.

**PRODUCT:** 2,449 pounds of sugar at New Bremen, Ohio, in possession of the Beatrice Foods Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1953. Default decree of condemnation and destruction.

## DAIRY PRODUCTS

### BUTTER

**21069. Adulteration of butter.** U. S. v. 100 Cases \* \* \*. (F. D. C. No. 35891.  
Sample No. 61410-L.)

**LIBEL FILED:** September 11, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about September 4, 1953, by the Harding Cream Div., Sugar Creek Creamery, from Omaha, Nebr.

**PRODUCT:** 100 cases, each containing 32 1-pound prints, of butter at Horseheads, N. Y.

**LABEL, IN PART:** (Wrapper) "Capitol Brand Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, and it was made from decomposed cream.

**DISPOSITION:** October 21, 1953. The Sugar Creek Creamery Co., Danville, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil, under the supervision of the Department of Health, Education, and Welfare.

**21070. Adulteration of butter. U. S. v. 16 Boxes (1,024 pounds) \* \* \*. (F. D. C. No. 35844. Sample No. 66069-L.)**

**LIBEL FILED:** September 16, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 3, 1953, by the Adrian Cooperative Creamery, from Adrian, Minn.

**PRODUCT:** 16 64-pound cases of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, and it was made in part from filthy cream.

**DISPOSITION:** November 23, 1953. Default decree of condemnation and destruction.

### CHEESE

**21071. Adulteration of provolone cheese. U. S. v. 32 Pieces \* \* \*. (F. D. C. No. 36289. Sample No. 82456-L.)**

**LIBEL FILED:** January 14, 1954, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 31, 1953, from Mayville, Wis.

**PRODUCT:** 32 9-pound pieces of provolone cheese at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested cheese, and of a decomposed substance by reason of the presence of decomposed cheese. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 26, 1954. Default decree of condemnation and destruction.

### FISH AND SHELLFISH

**21072. Adulteration of canned sardines. U. S. v. 11 Cases, etc. (F. D. C. No. 36263. Sample No. 15050-L.)**

**LIBEL FILED:** December 23, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 17, 1953, from Gloucester, Mass.

**PRODUCT:** 11 cases, each containing 48 cans, of sardines in tomato sauce, and 32 cases, each containing 48 cans, of sardines in mustard sauce at Arma, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 27, 1954. Default decree of condemnation and destruction.

21073. Adulteration of crabmeat. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 35877. Sample No. 59933-L.)

LIBEL FILED: November 12, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 31, 1953, by F. H. Hartman & Co., from Tampa, Fla.

PRODUCT: 1 barrel containing approximately 82 1-pound cans of crabmeat at New York, N. Y.

LABEL, IN PART: (Can) "F. H. Hartman & Co. \* \* \* All Lump Crabmeat \* \* \* Tampa, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 9, 1953. Default decree of condemnation and destruction.

21074. Adulteration of oysters. U. S. v. 624 Cans \* \* \*. (F. D. C. No. 36270. Sample No. 75245-L.)

LIBEL FILED: December 28, 1953, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 21, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 624 1-pint cans of oysters at Greensburg, Ind.

LABEL, IN PART: "Oysters Standards Pride of Chesapeake Bay."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: January 6, 1954. The shipper of the product having consented to the entry of a decree, judgment of forfeiture was entered and the court ordered that the product be delivered to charitable institutions.

21075. Adulteration of canned shrimp. U. S. v. 195 Cases \* \* \*. (F. D. C. No. 36243. Sample No. 47860-L.)

LIBEL FILED: December 8, 1953, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 14, 1953, by the Barre Seafood Co., from Houma, La., to Ponce, P. R., and from there returned to Chauvin, La.

PRODUCT: 195 cases, each containing 24 cans, of shrimp at Chauvin, La.

LABEL, IN PART: (Can) "Sea Fare Brand Small Shrimp Wt. Pack Drained Weight 5 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 4, 1954. Default decree of condemnation and destruction.

**21076. Adulteration of frozen shrimp.** U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36247. Sample Nos. 82542-L, 82543-L.)

**LIBEL FILED:** December 10, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 23, 1953, by Joe Grasso & Son, Inc., from Galveston, Tex.

**PRODUCT:** 6 cases, each containing 10 cartons, of frozen shrimp at Rochester, N. Y.

**LABEL, IN PART:** (Carton) "5 Lbs. Net Wt. Golden Brown Brand Brazilian Shrimp \* \* \* Frozen Fresh."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 22, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21077. Misbranding of canned apricots.** U. S. v. 198 Cases \* \* \*. (F. D. C. No. 36233. Sample No. 53291-L.)

**LIBEL FILED:** January 12, 1954, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 5, 1953, by the United States Products Corp., from San Jose, Calif.

**PRODUCT:** 198 cases, each containing 6 unlabeled cans, of apricots at St. Louis, Mo.

**LABEL, IN PART:** (Cases) "No. 10 Tins Apricot Halves \* \* \* Seconds."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), the article purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to bear, as required by the definition and standard, the name of the optional packing medium present in the article since the article was canned apricot halves packed in slightly sweetened water and was unlabeled; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned apricots since the article contained apricot halves weighing less than  $\frac{2}{5}$  of an ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** March 22, 1954. The Bohn-Lenartz Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for labeling and relabeling under the supervision of the Department of Health, Education, and Welfare.

**21078. Adulteration of canned blueberries.** U. S. v. 13 Cases \* \* \*. (F. D. C. No. 36321. Sample No. 19753-L.)

**LIBEL FILED:** February 10, 1954, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 24, 1950, from Bangor, Maine.

**PRODUCT:** 13 cases, each containing 6 6-pound, 9-ounce cans, of blueberries at Fort Atkinson, Wis. Examination showed that the product had undergone chemical decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 23, 1954. Default decree of forfeiture. The court ordered that the product be disposed of for some purpose other than for human consumption or be destroyed. The product subsequently was delivered to a charitable institution, for use as animal feed.

### DRIED FRUIT

**21079. Adulteration of dried currants. U. S. v. 15 Cartons \* \* \*. (F. D. C. No. 36353. Sample No. S3065-L.)**

**LIBEL FILED:** January 26, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 19, 1953, from Dinuba, Calif.

**PRODUCT:** 15 30-pound cartons of dried currants at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 9, 1954. Default decree of condemnation and destruction.

**21080. Adulteration of raisins. U. S. v. 188 Cases \* \* \*. (F. D. C. No. 36282. Sample No. 61599-L.)**

**LIBEL FILED:** January 13, 1954, District of Kansas.

**ALLEGED SHIPMENT:** On or about March 4, 1953, from Fresno, Calif.

**PRODUCT:** 188 cases, each containing 16 2-pound packages, of seedless raisins at Coffeyville, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 11, 1954. Default decree of condemnation and destruction.

### FRESH FRUIT

**21081. Adulteration of fresh blueberries. U. S. v. 22 Crates \* \* \*. (F. D. C. No. 35843. Sample No. 45550-L.)**

**LIBEL FILED:** September 14, 1953, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 23 and 30 and September 1, 1953, by Owen Grant, from Harrington, Maine.

**PRODUCT:** 22 crates, each containing 24 1-quart boxes, of fresh blueberries at Everett, Mass. Examination showed that the product contained maggots.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** October 19, 1953. Default decree of condemnation and destruction.

**FROZEN FRUIT**

**21082. Adulteration of frozen blueberries.** U. S. v. 634 Cans \* \* \*. (F. D. C. No. 35694. Sample Nos. 52073-L, 52074-L.)

**LIBEL FILED:** On or about October 16, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 27 and 31 and September 3, 6, and 12, 1953, by Bedore & Wood, from North Agawam, Mass.

**PRODUCT:** 634 30-pound cans of frozen blueberries at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** November 24, 1953. Default decree of condemnation and destruction.

**21083. Adulteration of frozen strawberries.** U. S. v. 488 Cans \* \* \*. (F. D. C. No. 35070. Sample Nos. 62940-L, 62942-L.)

**LIBEL FILED:** June 8, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 13, 1953, by Southern Packing Co., Inc., from Alamo, Tenn.

**PRODUCT:** 488 cans of frozen strawberries at St. Louis, Mo.

**RESULTS OF INVESTIGATION:** The product, when shipped as described above, consisted of 500 crates of strawberries, and, upon arrival at St. Louis, Mo., the strawberries were sliced, mixed with sugar, packed in 10-pound cans, and frozen.

**LABEL, IN PART:** (Can) "Sliced Strawberries Ten Pounds Net 4-1 Packed by Southern Packing Company, Inc., Baltimore 23, Maryland."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten strawberries.

**DISPOSITION:** February 3, 1954. Southern Packing Co., Inc., claimant, having withdrawn its claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

**VEGETABLES**

**21084. Adulteration of dried pinto beans.** U. S. v. 58 Bags \* \* \*. (F. D. C. No. 36310. Sample No. 63254-L.)

**LIBEL FILED:** On or about February 16, 1954, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 13, 1954, by the Mountain States Bean Co., from Denver, Colo.

**PRODUCT:** 58 100-pound bags of dried pinto beans at Bolivar, Mo.

**LABEL, IN PART:** "Red Bird Brand Recleaned Pinto Beans Packed by Potato Growers Co-Op. Co., Eaton, Colorado."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of pieces of dirt and stones.

**DISPOSITION:** March 18, 1954. The Mountain States Bean Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Adminis-

tration. The product was segregated, with the result that 558 pounds were found unfit and were denatured.

**21085. Adulteration of yellow split peas.** U. S. v. 58 Bags \* \* \*. (F. D. C. No. 36301. Sample No. 42940-L.)

**LIBLE FILED:** February 1, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 25 and August 6, 1953, from Oakesdale, Wash.

**PRODUCT:** 58 25-pound bags of yellow split peas at San Francisco, Calif., in possession of the DePue Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 23, 1954. Default decree of condemnation and destruction.

**21086. Misbranding of potatoes.** U. S. v. 336 Bags \* \* \*. (F. D. C. No. 36297. Sample No. 81678-L.)

**LIBLE FILED:** On or about January 25, 1954, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 11, 1954, by Nelson N. Jay, from Minate, Nebr.

**PRODUCT:** 336 25-pound bags of potatoes at Kansas City, Mo.

**LABEL, IN PART:** "Big Sioux Brand Western Nebraska Potatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

**DISPOSITION:** February 2, 1954. Winnick Bros., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

### TOMATOES AND TOMATO PRODUCTS

**21087. Adulteration of canned tomatoes.** U. S. v. 137 Cases \* \* \*. (F. D. C. No. 36269. Sample No. 73790-L.)

**LIBLE FILED:** December 23, 1953, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 12, 1953, by the Winorr Canning Co., from Circleville, Ohio.

**PRODUCT:** 137 cases, each containing 24 cans, of tomatoes at Olyphant, Pa.

**LABEL, IN PART:** (Can) "Plee-Zing Tomatoes \* \* \* Net Weight 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 25, 1954. Default decree of condemnation and destruction.

**21088. Adulteration of canned tomatoes. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 36258. Sample No. 65499-L.)**

**LIBEL FILED:** December 18, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 23, 1953, by the Morgantown Canning Co., from Morgantown, Ind.

**PRODUCT:** 86 cases, each containing 24 cans, of tomatoes at Albert Lea, Minn.

**LABEL, IN PART:** (Can) "Mayflower Tomatoes Contents 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 8, 1954. A default decree was entered, providing for the destruction of the product unless denatured for use as animal feed.

**21089. Adulteration of tomato juice. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36245. Sample No. 82072-L.)**

**LIBEL FILED:** December 18, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 6, 1953, from Kansas City, Mo.

**PRODUCT:** 18 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Kansas City, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 9, 1954. Default decree of condemnation and destruction.

**21090. Adulteration of tomato puree. U. S. v. 360 Cases \* \* \*. (F. D. C. No. 36276. Sample No. 61768-L.)**

**LIBEL FILED:** On or about January 6, 1954, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 1, 1953, from Los Fresnos, Tex.

**PRODUCT:** 360 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at North Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 15, 1954. Default decree of condemnation and destruction.

**21091. Adulteration of tomato puree. U. S. v. 56 Cases \* \* \*. (F. D. C. No. 36244. Sample No. 78965-L.)**

**LIBEL FILED:** December 16, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about September 23, 1953, by the St. Marys Packing Co., from St. Marys, Ohio.

**PRODUCT:** 56 cases, each containing 6 cans, of tomato puree at Louisville, Ky.

LABEL, IN PART: (Can) "Our Seal Brand Contents 10½ Oz. Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of house flies, fly eggs, and maggots.

DISPOSITION: March 22, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, to be used as animal feed.

## NUTS AND NUT PRODUCTS

21092. Adulteration of unshelled almonds. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 36241. Sample No. 69820-L.)

LIBEL FILED: December 10, 1953, District of Idaho.

ALLEGED SHIPMENT: On or about November 6, 1953, by John Scowcroft & Sons Co., from Ogden, Utah.

PRODUCT: 20 bags of unshelled almonds at Idaho Falls, Idaho.

LABEL, IN PART: "Sugaripe California Almonds IXL 80 Lbs. Rosenberg Brothers & Co. Inc. San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested almonds, and it was otherwise unfit for food by reason of the presence of gummy and shriveled almonds.

DISPOSITION: February 12, 1954. Default decree of forfeiture and destruction.

21093. Adulteration of cashew nuts. U. S. v. 84 Tins \* \* \*. (F. D. C. No. 36240. Sample No. 65500-L.)

LIBEL FILED: December 10, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about September 25, 1953, from New York, N. Y.

PRODUCT: 84 25-pound tins of cashew nuts at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 27, 1954. Red Line Commercial Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvage under the supervision of the Department of Health, Education, and Welfare. As a result of the salvage operations, 250 pounds of the product were found unfit and were denatured.

21094. Adulteration of cashew nut pieces. U. S. v. 13 Tins \* \* \*. (F. D. C. No. 36253. Sample No. 63467-L.)

LIBEL FILED: December 17, 1953, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 15 and August 19, 1953, from New York, N. Y.

PRODUCT: 13 25-pound tins of cashew nut pieces at Danville, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 25, 1954. Default decree of condemnation. The product was destroyed.

**21095. Adulteration of unshelled filberts. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 36272. Sample No. 64908-L.)**

**LIBEL FILED:** December 30, 1953, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 7, 1953, by the Dugdale Nut Processing Co., from Cornelius, Oreg.

**PRODUCT:** 6 bags of unshelled filberts at Richland Center, Wis.

**LABEL, IN PART:** "100 Lbs. Net Oregon No. 1 Barcelona Quality Dugdale Filberts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts and empty shells.

**DISPOSITION:** February 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

**21096. Adulteration of English walnuts. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 36324. Sample Nos. 63482-L, 63490-L.)**

**LIBEL FILED:** February 19, 1954, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 3, 1953, from Los Angeles, Calif.

**PRODUCT:** 14 100-pound bags of English walnuts at Springfield, Ill., in possession of the Mid-State Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid walnuts, and it was otherwise unfit for food by reason of the presence of shriveled walnuts; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 25, 1954. Default decree of condemnation and destruction. Destruction of the product was effected by disposition of it for use as animal feed.

**21097. Adulteration of peanut butter. U. S. v. 22 Cases \* \* \*. (F. D. C. No. 36230. Sample No. 72393-L.)**

**LIBEL FILED:** January 11, 1954, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 21, 1953, by the Union Food Products Co., from Greenville, Ohio.

**PRODUCT:** 22 cases, each containing 12 jars, of peanut butter at Flemington, W. Va.

LABEL, IN PART: (Jar) "Yum-Yum Homogenized-Stabilized Peanut Butter \* \* \* Net Wt. 2 lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 5, 1954. Default decree of condemnation and destruction.

21098. **Adulteration of peanut butter.** U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36252. Sample No. 7824-L.)

LIBEL FILED: December 15, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 10, 1953, by the Union Food Products Co., from Greenville, Ohio.

PRODUCT: 18 cases, each containing 24 tumblers, of peanut butter at New Castle, Pa.

LABEL, IN PART: (Tumbler) "Ribbon Brand Peanut Butter \* \* \* Contents 1 Pound."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs.

DISPOSITION: January 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

21099. **Adulteration and misbranding of vitamin capsules.** U. S. v. 109 Bottles, etc. (F. D. C. No. 36378. Sample Nos. 51012-L, 51014-L.)

LIBEL FILED: February 11, 1954, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 10 and December 10 and 15, 1953, by Faraday Laboratories, from Newark, N. J.

PRODUCT: 109 100-capsule bottles of Feel-Rite vitamin capsules and 216 100-capsule bottles of Liv-Kaps vitamin capsules at Brooklyn, N. Y.

Analyses showed that the Feel-Rite capsules contained 74 percent and 82 percent of the declared amounts of vitamin C and vitamin B<sub>6</sub>, respectively, and that the Liv-Kaps capsules contained 76 percent of the declared amount of vitamin B<sub>6</sub>.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>6</sub>, in both lots, and vitamin C, in the 109-bottle lot, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements (109 bottles) "Each capsule contains \* \* \* Pyridoxine Hydrochloride 0.5 mg. \* \* \* Ascorbic Acid 100 mg." and (216 bottles) "Each capsule represents: \* \* \* Vitamin B<sub>6</sub> (0.5 mg.) 500 mcgs." were false and misleading as applied to the articles, which contained less than the stated amounts of vitamin B<sub>6</sub> in both lots and vitamin C in the 109-bottle lot.

DISPOSITION: March 16, 1954. Default decree of condemnation and destruction.

**21100. Adulteration and misbranding of Estra Beta Plus. U. S. v. 78 Bottles, etc. (F. D. C. No. 36414. Sample Nos. 59802-L, 60141-L to 60143-L, incl.)**

**LIBLE FILED:** February 25, 1954, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 29, 1953, and January 7 and 21, 1954, by Oxford Products, Inc., from Cleveland, Ohio.

**PRODUCT:** 78 50-tabsule bottles and 6 100-tabsule bottles of Estra Beta Plus at Atlanta, Ga. Analysis showed that the product contained 70 percent of the declared amount of vitamin C.

**LABEL, IN PART:** (Bottle) "Estra Beta Plus Improved Natural Fortified Vitamin B-Complex with Iron and Vitamin C \* \* \* Each Tabsule Contains \* \* \* Ascorbic Acid (Vitamin C) 50 mg. \* \* \* Directions: One tabsule daily as a supplemental source of the listed vitamins and iron, or as directed by physician."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), the valuable constituent, vitamin C, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a) the label statement "Each Tabsule Contains \* \* \* Ascorbic Acid (Vitamin C) 50 mg." was false and misleading as applied to the article, which contained less than the stated amount of vitamin C.

**DISPOSITION:** March 30, 1954. Default decree of condemnation and destruction.

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# U. S. Department of Health, Education, and Welfare

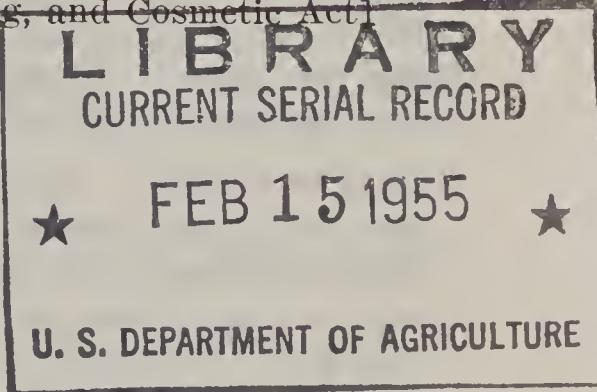
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21101-21150

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 21, 1955.

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## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**21101. Adulteration of bread.** U. S. v. Kempler Baking Co., Inc., and Morris Freezman. Pleas of guilty. Fine of \$1,200 against corporation and \$600 against individual. (F. D. C. No. 35776. Sample Nos. 70684-L, 70687-L, 70688-L.)

**INFORMATION FILED:** February 15, 1954, Southern District of Ohio, against Kempler Baking Co., Inc., Steubenville, Ohio, and Morris Freezman, secretary and treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about June 24 and 25, 1953, from the State of Ohio into the State of West Virginia.

**LABEL, IN PART:** "Kempler's Italian Twist," "Kempler's Enriched Bread," and "Kempler's Rye Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and moth fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 2, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,200 and the individual \$600.

**21102. Adulteration of cracker meal.** U. S. v. Dinner Bell Food Co. and Louis Papendick. Plea of guilty by company and plea of nolo contendere by individual. Fine of \$300 against company; action against individual dismissed. (F. D. C. No. 35741. Sample No. 71088-L.)

**INFORMATION FILED:** December 8, 1953, Eastern District of Missouri, against the Dinner Bell Food Co., a corporation, St. Louis, Mo., and Louis Papendick, president of the corporation.

**ALLEGED SHIPMENT:** On or about June 26, 1953, from the State of Missouri into the State of Indiana.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 1, 1954. The corporation having entered a plea of guilty and the individual a plea of nolo contendere, the court fined the corporation \$300 and dismissed the action against the individual.

## FLOUR

**21103. Adulteration of flour.** U. S. v. 400 Bags, etc. (F. D. C. No. 36179. Sample Nos. 63436-L, 63438-L, 63440-L, 63442-L, 63444-L, 63446-L, 63448-L to 63459-L, incl.)

**LIBLE FILED:** December 14, 1953, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 14, June 23, July 10 and 22, August 18, 19, and 31, September 30, and October 8, 14, 15, 16, 26, 27, and 31, 1953, from

Davenport, Iowa, New Prague, Winona, and Minneapolis, Minn., Kansas City, Mo., and Fort Wayne, Ind.

**PRODUCT:** 916 100-pound bags and 13 50-pound bags of flour at Peoria, Ill., in possession of the Gateway Milling Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 25, 1954. The Gateway Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and that the unfit portion be disposed of as animal feed, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 665 bags of the product were found unfit and were denatured for use as hog feed.

**21104. Adulteration of flour. U. S. v. 25 Bags, etc. (F. D. C. No. 35522. Sample Nos. 62190-L, 62191-L.)**

**LIBEL FILED:** September 30, 1953, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about July 2 and 23, 1953, from Wichita Falls and Fort Worth, Tex.

**PRODUCT:** 54 100-pound bags of flour at Texarkana, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 16, 1954. The Ritchie Grocer Co., Texarkana, Ark., having appeared as claimant, and later having withdrawn such claim and consented to the forfeiture of the product to the Government, judgment of condemnation was entered and the court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21105. Adulteration of flour. U. S. v. 50 Sacks \* \* \*. (F. D. C. No. 35689. Sample No. 49724-L.)**

**LIBEL FILED:** October 14, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 5, 1953, from Janesville, Wis.

**PRODUCT:** 50 100-pound sacks of flour at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect webbing, and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 11, 1954. Default decree of condemnation and destruction.

**21106. Adulteration of flour.** U. S. v. 57 Bags \* \* \* (and 1 other seizure action).  
(F. D. C. No. 35982. Sample Nos. 47878-L, 47879-L.)

**LIBELS FILED:** November 18, 1953, Western District of Louisiana; amended libels filed November 19, 1953.

**ALLEGED SHIPMENT:** On or about March 1, April 8, and September 9, 1953, from Wichita Falls and Fort Worth, Tex.

**PRODUCT:** 86 50-pound bags of flour at Shreveport, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 26, 1954. Default decrees of condemnation and destruction. Destruction was effected through the delivery of the product to a Federal institution, for use as animal feed.

**21107. Adulteration of flour.** U. S. v. 48 Bags, etc. (F. D. C. No. 36184. Sample Nos. 70115-L to 70117-L, incl.)

**LIBEL FILED:** December 10, 1953, District of New Mexico.

**ALLEGED SHIPMENT:** On or about September 1 and October 17, 1953, from Monte Vista, Colo.

**PRODUCT:** 48 25-pound bags, 7 50-pound bags, and 11 100-pound bags of flour at Las Cruces, N. Mex., in possession of Valley Products Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 27, 1954. Default decree of condemnation and destruction.

**21108. Adulteration of flour and cornmeal.** U. S. v. 32 Bags, etc. (F. D. C. No. 36180. Sample Nos. 69693-L to 69702-L, incl.)

**LIBEL FILED:** December 9, 1953, District of New Mexico.

**ALLEGED SHIPMENT:** On or about March 13, June 8, August 10 and 12, and October 7 and 8, 1953, from Graham, Tex.

**PRODUCT:** 32 100-pound bags, 43 50-pound bags, 478 25-pound bags, and 29 10-pound bags of flour, and 17 25-pound bags of cornmeal at Clovis, N. Mex., in possession of the Kimbell-Clovis Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 11, 1954. The Kimbell-Clovis Co., claimant, having admitted the essential allegations of the libel, judgment of condemnation was entered and the court ordered that the products be released under bond for

the purpose of denaturing them for use as animal feed, under the supervision of the Department of Health, Education, and Welfare.

**21109. Adulteration of flour, rice, and cornmeal. U. S. v. 11 Bags, etc. (F. D. C. No. 36137. Sample Nos. 63431-L, 63433-L, 63435-L, 63437-L, 63439-L, 63441-L, 63443-L, 63445-L, 63447-L.)**

**LIBEL FILED:** November 24, 1953, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 18, July 7 and 29, September 17 and 28, and October 6, 1953, from Davenport and Cedar Rapids, Iowa, and Minneapolis, Minn.

**PRODUCT:** 69 50-pound bags and 24 100-pound bags of flour, 20 100-pound bags of cornmeal, and 18 100-pound bags of rice at Rock Island, Ill., in possession of Illinois Wholesale Grocery, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine in the flour and cornmeal and insects in the rice; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 20, 1954. Illinois Wholesale Grocery, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for reprocessing of the flour for use as foundry core and the cornmeal and rice for use as stock feed.

#### MISCELLANEOUS CEREALS\*

**21110. Adulteration of unpopped popcorn. U. S. v. 30 Cases \* \* \*. (F. D. C. No. 36268. Sample No. 82076-L.)**

**LIBEL FILED:** December 30, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about October 18, 1951, from Wall Lake, Iowa.

**PRODUCT:** 30 cases, each containing 12 2-pound bags, of unpopped popcorn at Hutchinson, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 27, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

**21111. Adulteration of unpopped popcorn. U. S. v. 6 Sacks, etc. (F. D. C. No. 36000. Sample No. 55704-L.)**

**LIBEL FILED:** November 30, 1953, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 10 and December 10, 1952, from Elmira, N. Y.

\*See also No. 21109.

PRODUCT: 6 100-pound sacks, 1 25-pound sack, and 1 50-pound sack of unpopped popcorn at Sayre, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 7, 1954. Default decree of condemnation and destruction.

**21112. Adulteration of rice. U. S. v. 6 Bags, etc.** (F. D. C. No. 36135. Sample Nos. 84598-L, 84599-L.)

LIBEL FILED: December 4, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1952, and January 28, 1953, from De Witt, Ark., and Abbeville, La.

PRODUCT: 27 100-pound bags of rice at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 26, 1954. Default decree of condemnation and destruction.

**21113. Adulteration of rice. U. S. v. 11 Bags \* \* \*. (F. D. C. No. 36188. Sample No. 52751-L.)**

LIBEL FILED: December 21, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about April 1, 1953, from Estherwood, La.

PRODUCT: 11 100-pound bags of rice at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 8, 1954. Default decree of condemnation and destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY

**21114. Adulteration of candy. U. S. v. 38 Boxes, etc.** (F. D. C. No. 36210. Sample Nos. 39375-L to 39377-L, incl.)

LIBEL FILED: January 5, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 20, 1953, by the Aydlett Products Co., from Elizabeth City, N. C.

PRODUCT: Candy. 38 boxes, each containing 24 bars; 60 boxes, each containing 20 bars; and 23 boxes, at Boykins, Va.

LABEL, IN PART: (Bar) "APCO Chop Suey Net Weight 1½ Ozs." and "APCO Peanut Block Net Weight 1½ Ozs.;" (23 boxes) "80 \* \* \* Aydlett's Peanut Block."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect parts, and rodent hair fragments; Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (d), the articles were confectionery and contained a nonnutritive substance, sulfur dioxide.

**DISPOSITION:** March 12, 1954. Default decree of condemnation. The court ordered that the products be delivered to a State or Federal institution, for use as animal feed.

**21115. Adulteration of candy. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 36273. Sample No. 79555-L.)**

**LIBLE FILED:** January 4, 1954, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** Between the approximate dates of November 3 and 13, 1953, by Deran Confectionery Co., Inc., from Atlanta, Ga.

**PRODUCT:** 47 cases, each containing 24 boxes, of candy at Chattanooga, Tenn.

**LABEL, IN PART:** (Box) "Deran's Chocolate Covered Thin Mints One Pound."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 10, 1954. Default decree of condemnation and destruction.

**21116. Adulteration of candy. U. S. v. 31 Boxes \* \* \*. (F. D. C. No. 36284. Sample No. 79554-L.)**

**LIBLE FILED:** January 8, 1954, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 2, 1953, by Deran Confectionery Co., Inc., from Cambridge, Mass.

**PRODUCT:** Candy. 31 boxes, each containing 24 candy patties, at Huntland, Tenn.

**LABEL, IN PART:** (Patty) "Net Weight 1½ Ounces Deran's Chocolate Covered Mint Patty."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 11, 1954. Default decree of condemnation and destruction.

## CHOCOLATE

**21117. Adulteration of chocolate coating. U. S. v. 3½ Cases \* \* \*. (F. D. C. No. 36344. Sample No. 74508-L.)**

**LIBLE FILED:** March 10, 1954, Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and December 29, 1953, from Dorchester, Mass.

PRODUCT: 3½ cases, each full case containing 5 10-pound cakes, of chocolate coating at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of storage insect infestation. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 30, 1954. Default decree of condemnation and destruction.

### SIRUP

**21118. Adulteration and misbranding of sorghum sirup. U. S. v. 16 Jars, etc. (and 1 other seizure action).** (F. D. C. Nos. 36265, 36266. Sample Nos. 62841-L, 62842-L.)

LIBELS FILED: December 22, 1953, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 20 and November 2, 1953, by the Bagwell Preserving Co., from Nashville, Tenn.

PRODUCT: 298 2-pound jars and 751 4¾-pound tins of sorghum sirup at Little Rock, Ark.

LABEL, IN PART: (Jar and tin) "Pure Warren County Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), glucose had been substituted in part for sorghum.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading as applied to the article, which contained glucose.

DISPOSITION: January 21 and 26, 1954. Default decrees of condemnation.

The court ordered that the product be delivered to public institutions, for consumption by the inmates.

### SUGAR

**21119. Adulteration of sugar. U. S. v. 840 Pounds \* \* \*. (F. D. C. No. 35964. Sample No. 63427-L.)**

LIBEL FILED: November 12, 1953, Southern District of Illinois.

ALLEGED SHIPMENT: On or about July 20, 1953, from Jersey City, N. J.

PRODUCT: 840 pounds of sugar in 9 bags at Peoria, Ill., in possession of the Chicago, Burlington & Quincy Railroad.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1953. Default decree of condemnation and destruction.

**DAIRY PRODUCTS****BUTTER**

**21120. Adulteration of butter.** U. S. v. 337 Boxes (21,568 pounds) \* \* \*. (F. D. C. No. 35866. Sample No. 63421-L.)

**LIBEL FILED:** November 2, 1953, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 7, 1953, by Peterson's Creamery, from St. Paul, Minn.

**PRODUCT:** 337 64-pound boxes of butter at Galva, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 5, 1954. The Galva Creamery Co., Galva, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing into semisolid buttermilk for use as animal feed, under the supervision of the Department of Health, Education, and Welfare.

**21121. Adulteration of butter.** U. S. v. 20 Cases \* \* \*. (F. D. C. No. 35890. Sample No. 59494-L.)

**LIBEL FILED:** November 18, 1953, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 3, 1953, by the Carthage Creamery Co., from Carthage, Mo.

**PRODUCT:** 20 70-pound cases of butter at Augusta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its having been made from decomposed cream.

**DISPOSITION:** December 14, 1953. Default decree of condemnation and destruction.

**21122. Adulteration of butter.** U. S. v. 7 Cartons (455 pounds) \* \* \*. (F. D. C. No. 35880. Sample No. 53695-L.)

**LIBEL FILED:** On or about October 5, 1953, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 4, 1953, by the Harper Creamery, from Harper, Kans.

**PRODUCT:** 7 65-pound cartons of butter at Carthage, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** December 4, 1953. Default decree of destruction.

**CHEESE**

**21123. Adulteration of cheddar cheese.** U. S. v. 8 Cases \* \* \*. (F. D. C. No. 36319. Sample No. 43036-L.)

**LIBEL FILED:** February 11, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 31, 1953, from Tillamook, Oreg.  
326021-55-2

PRODUCT: 8 cases, each containing 20 ½-pound packages, of cheddar cheese at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy cheese. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 8, 1954. Default decree of condemnation and destruction.

## EGGS

21124. Adulteration of frozen eggs. U. S. v. 34 Cans \* \* \*. (F. D. C. No. 35992. Sample No. 40007-L.)

LIBEL FILED: November 24, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about June 20, 1953, by the Milton G. Walbaum Co., from Wakefield, Nebr.

PRODUCT: 34 cans of frozen eggs at Los Angeles, Calif.

LABEL, IN PART: "Net Weight 30 Lbs. Swanson Ever Fresh Brand Whole Eggs Quick Frozen."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 6, 1954. Default decree of condemnation and destruction.

21125. Adulteration of frozen eggs. U. S. v. 13 Cans \* \* \*. (F. D. C. No. 36186. Sample No. 83062-L.)

LIBEL FILED: December 11, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 30, 1953, by the Ross Produce Co., from Unionville, Mo.

PRODUCT: 13 30-pound cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 12, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

21126. Adulteration of frozen pompanos (fish). U. S. v. 796 Cases \* \* \*. (F. D. C. No. 36384. Sample Nos. 50170-L, 50176-L.)

LIBEL FILED: February 16, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about May 30, 1953, by Nippon Reizo Kabushiki Kaisha, from Tokyo, Japan.

PRODUCT: 796 cases of frozen pompanos (fish) at New York, N. Y. Examination showed that the product was pomfret and not pompano as labeled.

LABEL, IN PART: (Case) "Frozen Pompano Net Wt. 25 Lbs. Product of Japan."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), pomfret had been substituted in whole or in part for pompano, which the article was represented to be.

**DISPOSITION:** March 5, 1954. Food Fair Stores, Inc., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**21127. Adulteration of crabmeat. U. S. v. 22 Cans \* \* \*. (F. D. C. No. 35546. Sample No. 50307-L.)**

**LIBEL FILED:** On or about July 24, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 15, 1953, by the G. L. Lewis Crabmeat Plant, from Jacksonville, Fla.

**PRODUCT:** 22 1-pound cans of crabmeat at Brooklyn, N. Y. Examination showed that the product was contaminated with *E. coli*.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

**DISPOSITION:** January 21, 1954. Default decree of condemnation and destruction.

**21128. Adulteration of canned shrimp. U. S. v. 452 Cases, etc. (F. D. C. No. 36019. Sample Nos. 45110-L, 45731-L.)**

**LIBEL FILED:** October 14, 1953, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 20, 1953, by the Barre Seafood Co., from Houma, La.

**PRODUCT:** 700 cases, each containing 24 cans, of shrimp at South Boston, Mass.

**LABEL, IN PART:** (Can) "Sea Fare Brand Medium Shrimp \* \* \* Wet Pack Drained Weight 5 Ozs." and "Beverly Hills Brand Medium Size Wet Pack Shrimp Drained Weight 5 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** April 12, 1954. Default decree of condemnation and destruction.

**21129. Adulteration of frozen breaded shrimp. U. S. v. 154 Packages \* \* \*. (F. D. C. No. 36004. Sample No. 54810-L.)**

**LIBEL FILED:** December 2, 1953, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about August 8, 1952, from Jacksonville, Fla.

**PRODUCT:** 154 2½-pound packages of frozen breaded shrimp at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance by reason of the presence of putrid

shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 20, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

21130. Misbranding of canned apricots. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36234. Sample No. 53291-L.)

LABEL FILED: January 12, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 5, 1953, from San Jose, Calif.

PRODUCT: 6 cases, each containing 6 cans, of apricots at St. Louis, Mo.

RESULTS OF INVESTIGATION: The product was labeled in the manner described below by the Bohn-Lenartz Co., St. Louis, Mo., after shipment in interstate commerce.

LABEL, IN PART: (Can) "Blue Star Brand Choice Apricots Unpeeled Halves In Syrup Contents 6 Lbs. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as the definition and standard of identity for canned apricots requires, the name of the optional packing medium present in the article since the label bore the statement "In Syrup," whereas the article was packed in a medium designated as "slightly sweetened water" in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned apricots since the article contained apricot halves weighing less than  $\frac{1}{2}$  of an ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below such standard. The article was misbranded in such respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 22, 1954. The Bohn-Lenartz Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

21131. Misbranding of canned cherries. U. S. v. Varney Canning, Inc. Plea of guilty. Fine of \$2,000; fine suspended. (F. D. C. No. 35767. Sample Nos. 41015-L, 41028-L, 41056-L, 64353-L, 69413-L.)

INFORMATION FILED: January 11, 1954, District of Utah, against Varney Canning, Inc., Roy, Utah.

ALLEGED SHIPMENT: On or about August 21 and December 3, 1952, and March 10 and April 30, 1953, from the State of Utah into the States of Washington, Montana, and Wyoming.

LABEL, IN PART: (Can) "Sonny Boy Brand Red Sour Pitted Cherries In Water Contents 1 Lb. 3 Ozs. Packed for Roundup Grocery Co. Spokane, Wash." and "Leota Brand Red Sour Pitted Cherries Packed In Water Contents 1 Lb. 3 Oz. Packed By Varney Canning Inc. Plants Roy, Utah and Veradale, Wash."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for pitted canned cherries because of an excessive number of pits in the cherries and because an excessive number of cherries were blemished with discoloration, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** April 23, 1954. The defendant having entered a plea of guilty, the court fined it \$2,000, but suspended the fine.

### DRIED FRUIT

**21132. Adulteration of raisins. U. S. v. 268 Cases \* \* \*. (F. D. C. No. 35989. Sample No. 42807-L.)**

**LIBLE FILED:** November 24, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 30, 1953, by the Sun Maid Raisin Growers Association of California, from Fresno, Calif.

**PRODUCT:** 268 cases of raisins at Pittsburgh, Pa.

**LABEL, IN PART:** "Sun Maid Raisin Growers Assoc. of Calif. 30 Lbs Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State hospital, for use as animal feed.

**21133. Adulteration of raisins. U. S. v. 34 Cases \* \* \*. (F. D. C. No. 35967. Sample No. 61968-L.)**

**LIBLE FILED:** November 10, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about September 10, 1953, by the California Raisin Co., from Fowler, Calif.

**PRODUCT:** 34 cases of raisins at Council Bluffs, Iowa.

**LABEL, IN PART:** "Net Wt. 30 Lbs. Farm Boy Select Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable or public institution, for use as animal feed.

### FRESH FRUIT

**21134. Adulteration of fresh blueberries. U. S. v. 28 Trays \* \* \*. (F. D. C. No. 35555. Sample No. 73489-L.)**

**LIBLE FILED:** August 13, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1953, by Mrs. Ethel Gatto, from Hammonton, N. J.

**PRODUCT:** 28 trays, each containing 12 pints, of fresh blueberries at Philadelphia, Pa. Examination showed that the product contained maggots.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** March 24, 1954. Default decree of condemnation and destruction.

## VEGETABLES

**21135. Adulteration of yellow split peas, lima beans, and yellow whole peas.**  
U. S. v. 10 Bags, etc. (F. D. C. No. 36302. Sample Nos. 83442-L to 83444-L, incl.)

**LIBLE FILED:** February 16, 1954, District of South Dakota.

**ALLEGED SHIPMENT:** On or about July 11, 1952, and January 13, 1953, from Gering, Nebr.

**PRODUCT:** 10 100-pound bags of yellow split peas, 14 100-pound bags of lima beans, and 5 100-pound bags of yellow whole peas at Sioux Falls, S. Dak., in possession of the Mid-Town Storage & Distributing Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a), (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 2, 1954. The Chester B. Brown Co., Gering, Nebr., and the Mid-Town Storage & Distributing Co., Sioux Falls, S. Dak., having appeared as claimants and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. 357 pounds of the split peas, 389 pounds of the lima beans, and 55 pounds of the whole peas were found unfit and were denatured.

**21136. Adulteration of canned black-eyed peas. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 36228. Sample No. 59843-L.)**

**LIBLE FILED:** January 6, 1954, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about December 8, 1952, by the VaLee Canning Corp., from Raymondville, Tex.

**PRODUCT:** 7 cases, each containing 6 cans, of black-eyed peas at Troy, N. C.

**LABEL, IN PART:** (Can) "Blackeye Peas Vita Best Brand Fresh Shelled \* \* \* Contents 6 Lb. 8 Oz. Distributed by Gilbert C. Wilson Laboratories, Pittsburg, Texas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of a chemical-like off-flavor.

**DISPOSITION:** March 3, 1954. Default decree of condemnation and destruction.

**21137. Adulteration of green olives with peppers.** U. S. v. 28 Barrels \* \* \*.  
(F. D. C. No. 36340. Sample No. 82748-L.)

LIBEL FILED: March 3, 1954, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 12 and April 14, 1953, by James E. Fox & Co., Inc., from New York, N. Y.

PRODUCT: 28 barrels, each containing 48 gallons, of green olives with peppers at McKees Rocks, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged olives.

DISPOSITION: April 9, 1954. Default decree of condemnation and destruction.

**21138. Adulteration of olives with pimento.** U. S. v. 195 Cases, etc. (F. D. C. No. 36261. Sample Nos. 62447-L to 62449-L, incl., 62668-L to 62670-L, incl.)

LIBEL FILED: December 22, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 5, March 21 and 27, and May 21, 1953, from Seville, Spain.

PRODUCT: 195 cases, each containing 24 10-ounce jars, and 386 cases, each containing 12 1-pound, 5-ounce jars, of olives with pimento at St. Louis, Mo.

RESULTS OF INVESTIGATION: The product, after its arrival at St. Louis, was repackaged by the A. C. L. Haase Co.

LABEL, IN PART: (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimento."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 25, 1954. Default decree of condemnation and destruction.

### TOMATOES

**21139. Adulteration of canned tomatoes.** U. S. v. 328 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35631, 36672. Sample Nos. 39356-L, 39359-L.)

LIBELS FILED: September 16 and 29, 1953, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 10 and 15, 1953, by the Hynson Canning Co., from Federalsburg, Md.

PRODUCT: 1,054 cases, each containing 24 cans, of tomatoes at Norfolk, Va.

LABEL, IN PART: (Can) "Bulow Tomatoes Contents 1 Lb." and "Hi-Sun Tomatoes Contents 1 lb. Packed in U. S. A. Distributed by Hynson Canning Co. Federalsburg, Md."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 16, 1954. The Hynson Canning Co., claimant, having filed an answer, but having failed to pursue the matter further, and it appearing to the court that the product was adulterated as alleged in the libels, judgments of condemnation were entered. The court ordered that the product be delivered to a Federal or State institution, for use as animal feed.

**21140. Adulteration of canned tomatoes. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 35632. Sample No. 73730-L.)**

**LIBEL FILED:** September 14, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1953, by Thomas Roberts & Co., Inc., from Hynson, Md.

**PRODUCT:** 98 cases, each containing 6 cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Bulow Tomatoes Contents 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 24, 1954. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**21141. Adulteration of unshelled filberts. U. S. v. 195 Bags \* \* \*. (F. D. C. No. 36312. Sample No. 76109-L.)**

**LIBEL FILED:** February 9, 1954, District of Idaho.

**ALLEGED SHIPMENT:** Sometime during 1951 and 1952, from the State of Oregon.

**PRODUCT:** 195 60-pound bags of unshelled filberts at Boise, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy filberts, and of a decomposed substance by reason of the presence of moldy filberts; and the article was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 13, 1954. Idaho Food Products, Inc., Boise, Idaho, claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for segregation of the unfit portion, under the supervision of the Food and Drug Administration. 1,358 pounds of the product were found unfit and were destroyed.

**21142. Adulteration of pecan pieces and pecan meal. U. S. v. 17 Cartons, etc. (F. D. C. No. 36206. Sample Nos. 84607-L to 84609-L, incl.)**

**LIBEL FILED:** December 23, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 27 and September 5, 1953, from Albany, Ga.

**PRODUCT:** 40 30-pound cartons of pecan pieces and 23 30-pound cartons of pecan meal at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and the pecan meal consisted also in whole or in part of a filthy substance by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 10, 1954. Default decree of condemnation and destruction.

## POULTRY

**21143. Adulteration of dressed poultry.** U. S. v. 88 Crates \* \* \*. (F. D. C. No. 36208. Sample No. 51939-L.)

**LIBEL FILED:** December 28, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 17, 1953, by the Allied Poultry Processors Co., from Frankford, Del.

**PRODUCT:** 88 crates, each containing 70 pounds, of dressed poultry at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and which were otherwise unfit for food by reason of the presence of extensively bruised and mutilated birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** February 9, 1954. Default decree of condemnation and destruction.

**21144. Adulteration of frozen turkeys.** U. S. v. 88 Boxes \* \* \*. (F. D. C. No. 35647. Sample No. 50538-L.)

**LIBEL FILED:** September 22, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 17, 1953, by the Weinberg Bros. Co., from Chicago, Ill.

**PRODUCT:** 88 boxes of frozen turkeys, weighing approximately 8,712 pounds, at Jersey City, N. J.

**LABEL, IN PART:** (Box) "Young Drawn T. Turks A. Feldstein & Co., Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed material.

Further adulteration, Section 402 (b) (4), water had been added to the article or mixed or packed with it so as to increase its bulk or weight or reduce its quality or strength.

**DISPOSITION:** February 11, 1954. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21145. Adulteration of paprika.** U. S. v. 3 Bags, etc. (F. D. C. No. 35678. Sample Nos. 56125-L, 56126-L.)

**LIBEL FILED:** October 5, 1953, Western District of New York.

**ALLEGED SHIPMENT:** The product originally was imported from Hungary, after which it was shipped on or about November 28, 1952, and March 11, 1953, from New York, N. Y., to Buffalo, N. Y.

**PRODUCT:** 5 110-pound bags of paprika at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** The Marshlow Corp., Buffalo, N. Y., appeared as claimant and filed an answer to the libel. Thereafter, the claimant entered its consent to the destruction of the product, and, accordingly, on April 14, 1954, the court entered an order directing such destruction.

**21146. Adulteration of salt.** U. S. v. 32 Bags \* \* \*. (F. D. C. No. 36375. Sample No. 75452-L.)

**LIBLE FILED:** February 8, 1954, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about February 18, September 23, and December 16, 1953, from Watkins Glen, N. Y.

**PRODUCT:** 32 100-pound bags of salt at Ahoskie, N. C., in possession of N. S. Godwin & Sons, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 19, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for animal consumption.

**21147. Adulteration and misbranding of salad dressing.** U. S. v. Audrey T. Yates (Vinnedge-Bestyett Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 34865. Sample No. 43867-L.)

**INFORMATION FILED:** August 18, 1953, Northern District of Texas, against Audrey T. Yates, trading as the Vinnedge-Bestyett Co., Fort Worth, Tex.

**ALLEGED SHIPMENT:** On or about August 11, 1952, from the State of Texas into the State of Oklahoma.

**LABEL, IN PART:** (Jar) "Contents 1 Gallon Wonder Whipped Worth Brand Salad Dressing Composed of Cooked Starch Solution and Mayonnaise Packed By Vinnedge-Bestyett Co. Fort Worth, Texas."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vegetable oil, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 30 percent by weight of vegetable oil had been substituted for salad dressing, which the article purported and was represented to be.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for salad dressing since it contained less than

30 percent by weight of vegetable oil, the minimum permitted by the definition and standard.

**DISPOSITION:** November 30, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$300.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**21148. Adulteration and misbranding of vitamin tablets.** U. S. v. 107,300 Tablets \* \* \*. (F. D. C. No. 36190. Sample No. 52629-L.)

**LIBEL FILED:** December 17, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 25, 1953, from Newark, N. J. This was a return shipment.

**PRODUCT:** 107,300 vitamin tablets in 8 drums at Chicago, Ill. Analysis showed that the product contained 72 percent of the declared amount of vitamin B<sub>1</sub>.

**LABEL, IN PART:** (Drum) "Rx No. 4726 \* \* \* Lot No. 57886 1252 Special Tablets #4726 \* \* \* 4 Tablets contain Thiamine Hcl. (B<sub>1</sub>)—6.0 mgm. MDR 600%."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "4 Tablets contain Thiamine Hcl. (B<sub>1</sub>)—6.0 mgm." was false and misleading as applied to the article, which contained less than the declared amount of vitamin B<sub>1</sub>.

**DISPOSITION:** March 12, 1954. Default decree of condemnation and destruction.

**21149. Adulteration and misbranding of vitamin capsules.** U. S. v. 4,848 Bottles \* \* \*. (F. D. C. No. 35465. Sample No. 55855-L.)

**LIBEL FILED:** August 26, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 7, 1951, from Baltimore, Md.

**PRODUCT:** 4,848 100-capsule bottles of vitamin capsules at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each capsule contains: \* \* \* Thiamine Hydrochloride (B<sub>1</sub>) 2 Mg." was false and misleading as applied to the article, which contained less than that amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 2, 1954. Default decree of condemnation. The court ordered that the product be delivered to a local hospital.

**21150. Adulteration and misbranding of multivitamin capsules.** U. S. v. 861,800 Capsules \* \* \*. (F. D. C. No. 36211. Sample No. 52640-L.)

**LIBEL FILED:** December 29, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 11, 1946, from Detroit, Mich.

**PRODUCT:** 861,800 multivitamin capsules in cartons at New York, N. Y. Analysis showed that the product contained approximately 50 percent of the declared amount of vitamin D and 20 percent of the declared amount of vitamin B<sub>1</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin D and vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients in each capsule: \* \* \* Vitamin D \* \* \* 140 U. S. P. Units \* \* \* Vitamin B<sub>1</sub> 1 mg." was false and misleading as applied to a product which contained less than the declared amounts of vitamin D and vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 20, 1954. Default decree of condemnation and destruction.

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**U. S. Department of Health, Education, and Welfare****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

**21151-21200****FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

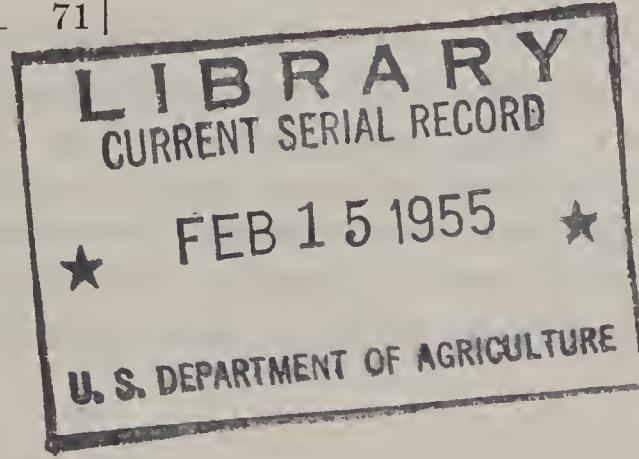
GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 25, 1955.

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## CANDY

**21151. Adulteration of candy.** U. S. v. 197 Cases, etc. (F. D. C. No. 36372.  
Sample Nos. 67381-L to 67386-L, incl.)

LIBEL FILED: February 10, 1954, Northern District of Texas.

ALLEGED SHIPMENT: On or about September 10, November 20, and December 4, 1953, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

PRODUCT: Candy. 295 cases, each containing 12 cartons, 392 cases, each containing 24 cartons, and 97 cases, each containing 120 boxes, at Dallas, Tex.

LABEL, IN PART: (Carton) "B-B Buddy Bar 120 Count," "Milk Chocolate B-B Silver-Twins 240 Pieces," "B-B Milk Chocolate Blocks \* \* \* Net Wt. 6 Oz.," "Malties B-B Chocolate Malted Milk Balls \* \* \* Net Wt. 6 Oz.," and "Sno-Caps B-B Net Wt. 7 Oz."; (box) "B-B Milk Chocolate Covered Goobers Peanuts \* \* \* Net Weight 1 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

**21152. Misbranding of candy.** U. S. v. 4 Cartons \* \* \*. (F. D. C. No. 36394.  
Sample No. 52851-L.)

LIBEL FILED: February 18, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about January 22, 1954, by Guernsey Dell Confections, Inc., from Chicago, Ill.

PRODUCT: 4 cartons, each containing 48 packages, of candy at New York, N. Y.

LABEL, IN PART: (Package) "Guernsey Old English Toffee Almond Butter Crunch \* \* \* Net Weight 4 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 4 Oz." was inaccurate. (Examination showed that the article was short weight.)

DISPOSITION: March 9, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

**21153. Adulteration of cornmeal.** U. S. v. 24 Bags \* \* \*. (F. D. C. No. 36327.  
Sample No. 79280-L.)

LIBEL FILED: February 19, 1954, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 4, 1953, from Mexico, Ind.

PRODUCT: 24 100-pound bags of cornmeal at Youngstown, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 19, 1954. Default decree of condemnation and destruction.

**21154. Adulteration of cornmeal and flour. U. S. v. 209 Bags, etc. (F. D. C. No. 36262. Sample Nos. 70018-L, 70019-L.)**

**LIBEL FILED:** On or about January 6, 1954, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about April 30 and October 8, 1953, from Hopkinsville, Ky.

**PRODUCT:** 209 25-pound bags of cornmeal and 41 100 pound bags of flour at Amarillo, Tex., in possession of the J. A. Coleman Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 5, 1954. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution, for use as animal feed.

#### FLOUR\*

**21155. Adulteration of flour. U. S. v. 220 Bags \* \* \*. (F. D. C. No. 36291. Sample No. 65523-L.)**

**LIBEL FILED:** January 15, 1954, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about December 11, 1953, from Minneapolis, Minn.

**PRODUCT:** 220 100-pound bags of flour at Wausau, Wis., in possession of the Cereal Mills Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1954. The Jaeger Baking Co., claimant, having admitted that the product was subject to condemnation, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration. As a result of the segregation operations, 2,767 pounds of the product were found unfit and were denatured for use as animal feed.

**21156. Adulteration of flour. U. S. v. 384 Bags \* \* \*. (F. D. C. No. 36296. Sample No. 72397-L.)**

**LIBEL FILED:** January 27, 1954, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about December 16, 1953, from Arkansas City, Kans.

**PRODUCT:** 384 25-pound bags of flour at Bluefield, W. Va., in possession of the Sublette Feed & Supply Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

\*See also No. 21154.

**DISPOSITION:** February 24, 1954. Default decree of condemnation. The court ordered that the product under seizure, consisting of 14 25-pound bags, be destroyed.

#### MACARONI AND NOODLE PRODUCTS

**21157. Adulteration of egg noodles.** U. S. v. Magic Chef Foods, Inc., and Charles Zeitz. Pleas of nolo contendere. Fine of \$150 against corporation and \$100 against individual. (F. D. C. No. 35149. Sample No. 57741-L.)

**INFORMATION FILED:** On or about January 5, 1954, Eastern District of Pennsylvania, against Magic Chef Foods, Inc., Bridgeport, Pa., and Charles Zeitz, president of the corporation.

**ALLEGED SHIPMENT:** On or about February 20, 1953, from the State of Pennsylvania into the State of Maryland.

**LABEL, IN PART:** (Carton) "Fine-Taste Pure Egg Noodles Made From Flour and Egg Yolks Net Weight One Pound Distributed by Food Fair Stores, Inc. Philadelphia, Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and bird feather barbules; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 24, 1954. The defendants having entered pleas of nolo contendere, the court fined the corporation \$150 and the individual \$100.

**21158. Adulteration of egg noodles.** U. S. v. 409 Cases \* \* \*. (F. D. C. No. 35955. Sample Nos. 70774-L, 70778-L, 70779-L.)

**LIBEL FILED:** November 5, 1953, Southern District of Ohio; amended libel filed November 21, 1953.

**ALLEGED SHIPMENT:** On or about October 9, 16, 23, and 30, 1953, by Daniel W. Mikesell, Inc., from Indianapolis, Ind.

**PRODUCT:** 99 cases, each containing 24 6-ounce packages, and 310 cases, each containing 12 12-ounce packages, of egg noodles at Dayton, Ohio.

**LABEL, IN PART:** (Package) "'Mike-Sell's' Home Style Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 12, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Government institution, for use as stock feed.

**21159. Adulteration of egg noodles.** U. S. v. 22 Cases \* \* \*. (F. D. C. No. 35291. Sample No. 72251-L.)

**LIBEL FILED:** June 3, 1953, District of Columbia.

**ALLEGED SHIPMENT:** On or about April 24, 1953, by Schoneberger & Sons, from Chicago, Ill.

**PRODUCT:** 22 10-pound cases of egg noodles at Washington, D. C.

**LABEL, IN PART:** (Case) "Gold Spun Style Home Style Egg Noodles Medium (Broad, or Fine)."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), the article had been packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 14, 1953. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21160. Adulteration of unpopped popcorn.** U. S. v 21 Cartons \* \* \*. (F. D. C. No. 36267. Sample No. 56167-L.)

**LIBLE FILED:** December 22, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 16, 1953, by the Joyce Food Products, from Paterson, N. J.

**PRODUCT:** 21 cartons, each containing 24 packages, of unpopped popcorn at Elmira, N. Y.

**LABEL, IN PART:** (Package) "Pop Quik \* \* \* Net 4 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments.

**DISPOSITION:** February 1, 1954. Default decree of condemnation and destruction.

**21161. Adulteration of breading mix.** U. S. v. 740 Bags \* \* \*. (F. D. C. No. 35949. Sample Nos. 48120-L to 48122-L, incl.)

**LIBLE FILED:** October 30, 1953, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about August 11, 20, and 26, 1953, from St. Louis, Mo.

**PRODUCT:** 740 100-pound bags of breading mix at Brownsville, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 19, 1953. The Meletio Sea Food Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into use other than for human consumption, under the supervision of the Department of Health, Education, and Welfare. The product was denatured for use as animal feed.

**21162. Adulteration of cake mix.** U. S. v. 441 Packages \* \* \*. (F. D. C. No. 36293. Sample No. 70037-L.)

**LIBLE FILED:** January 21, 1954, District of Colorado.

**ALLEGED SHIPMENT:** On or about July 29 and September 10, 1953, from Chicago, Ill.

**PRODUCT:** 441 1-pound packages of pineapple cupcake and upside down cake mix at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 16, 1954. Default decree of condemnation. The court ordered that the cake mix contained in each package be destroyed and that the cans of pineapple in the packages be delivered to a charitable institution.

## DAIRY PRODUCTS

### BUTTER

**21163. Adulteration of butter. U. S. v. Linn County Farmers' Mutual Creamery Association.** Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 35164. Sample No. 45324-L.)

**INFORMATION FILED:** January 21, 1954, Northern District of Iowa, against the Linn County Farmers' Mutual Creamery Association, a corporation, Coggon, Iowa.

**ALLEGED SHIPMENT:** On or about May 27, 1953, from the State of Iowa into the State of Massachusetts.

**LABEL, IN PART:** (Box) "Bulk Butter Distributed By Watts & Sons New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** January 21, 1954. The defendant having entered a plea of guilty, the court fined it \$150, plus costs.

**21164. Adulteration of butter. U. S. v. 17 Cartons (544 pounds) \* \* \*. (F. D. C. No. 35878. Sample No. 7814-L.)**

**LIBEL FILED:** November 13, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 20, 1953, by the Beatrice Foods Co., Blue Valley Creamery Division, from Columbus, Ohio.

**PRODUCT:** 17 cartons, each containing 32 pounds, of butter at Pittsburgh, Pa.

**LABEL, IN PART:** (Parchment wrapper) White Rose Farm Butter \* \* \* Distributed by Beatrice Foods Co. General Offices—Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, and it was made from filthy cream; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 3, 1953. Default decree of condemnation and destruction.

### CHEESE

**21165. Misbranding of muenster cheese. U. S. v. 115 Boxes \* \* \*. (F. D. C. No. 35229. Sample Nos. 51706-L, 51707-L.)**

**LIBEL FILED:** May 12, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 17 and 24, 1953, by the Ray Cheese Corp., from Monroe, Wis.

**PRODUCT:** 115 boxes, each containing 6 6-pound loaves, of muenster cheese at New York, N. Y.

**LABEL, IN PART:** (Loaf) "Royal Brand \* \* \* Made From Pasteurized Milk Muenster Cheese."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Made From Pasteurized Milk" was false and misleading as applied to the article, which was made from milk which had not been pasteurized.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for muenster cheese since the article was made from milk which had not been pasteurized.

**DISPOSITION:** February 5, 1954. Default decree of destruction. The court ordered that the product be delivered to charitable institutions.

## EGGS

**21166. Adulteration of frozen eggs. U. S. v. 999 Cans \* \* \*. (F. D. C. No. 36402. Sample No. 51831-L.)**

**LIBEL FILED:** On or about March 9, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 13, 1952, by the Wenk Produce Co., from Madison, S. Dak.

**PRODUCT:** 999 30-pound cans of frozen whole eggs or frozen egg whites at Orangeburg, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** May 11, 1954. Default decree of condemnation and destruction.

**21167. Adulteration of frozen eggs. U. S. v. 82 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36155, 36162. Sample Nos. 37566-L, 52746-L.)**

**LIBELS FILED:** December 4, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 26 and November 12, 1953, by the Sam Pollman Egg Co., from Kansas City, Mo.

**PRODUCT:** 605 30-pound cans of frozen eggs at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** December 11, 1953. Greenland Egg Products, Inc., Brooklyn, N. Y., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good eggs from the bad, under the supervision of the Department of Health, Education, and Welfare.

As a result of the segregation operations, 130 cans of the product were found unfit. A portion of the unfit cans was delivered to the Food and Drug Administration, and the remainder was denatured for technical use.

## FEEDS AND GRAINS

**21168. Misbranding of soybean oil meal. U. S. v. Galesburg Soy Products Co. and Max Albert. Pleas of guilty. Fine of \$600 against company and \$100 against individual, plus costs. (F. D. C. No. 35125. Sample Nos. 14934-L, 32842-L, 32843-L.)**

**INFORMATION FILED:** July 20, 1953, Southern District of Illinois, against the Galesburg Soy Products Co., a corporation, Galesburg, Ill., and Max Albert, president of the corporation.

**ALLEGED SHIPMENT:** On or about November 29 and December 2, 1952, from the State of Illinois into the States of Kansas and Missouri.

**LABEL, IN PART:** (Tags attached to bags) "100 Lbs. Net Triple Value Brand 44% Protein Soybean Oil Meal Galesburg Soy Products Company Galesburg, Illinois."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "100 Lbs. Net" was inaccurate in that the bags of the article contained less than 100 pounds net of the article.

**DISPOSITION:** February 23, 1954. Pleas of guilty having been entered, the court imposed a fine of \$600 against the company and \$100 against the individual, plus costs.

**21169. Adulteration of dog food. U. S. v. 399 Cases, etc. (F. D. C. No. 36106.)**  
Sample Nos. 58729-L, 58730-L.)

**LIBEL FILED:** November 3, 1953, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** During the early part of 1953, from Vincennes, Ind.

**PRODUCT:** 598 cases, each containing 48 cans of dog food at Lake Geneva, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 25, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

**21170. Adulteration of canned sardines. U. S. v. 113 Cases, etc. (F. D. C. No. 36264. Sample No. 15050-L.)**

**LIBEL FILED:** January 8, 1954, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 17, 1953, from Gloucester, Mass.

**PRODUCT:** 113 cases, each containing 48 cans, of sardines in tomato sauce, and 19 cases, each containing 48 cans, of sardines in mustard sauce at Pittsburg, Kans. .

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 3, 1954. Default decree of condemnation and destruction.

**21171. Misbranding of canned sardines. U. S. v. 118 Cases \* \* \*. (F. D. C. No. 35392. Sample No. 59761-L.)**

**LIBEL FILED:** August 17, 1953, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about July 18, 1953, by the Smith Dray Line & Storage Co., from Greenville, S. C.

**PRODUCT:** 118 cases, each containing 48 cans, of sardines at Chattanooga, Tenn. Examination showed that the product consisted of pieces of large alewives (river herring).

**LABEL, IN PART:** (Can) "Blue Band Brand Water and Salt Added [picture of California sardine] King Size Natural Sardines \* \* \* Canners' Sales Agency Distributors Los Angeles, Calif. Net Weight 15 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the picture of a California sardine, the Los Angeles, Calif., address, and the designation "Natural Sardines" were false and misleading as applied to large alewives (river herring); and, Section 403 (b), the article was offered for sale under the name of another food, namely, sardines.

**DISPOSITION:** March 19, 1954. The Canners' Sales Agency having filed a petition for recovery of the product and later having withdrawn such petition, judgment of condemnation was entered. The court ordered that the product be delivered to an educational institution for its use and not for sale.

**21172. Adulteration of oysters. U. S. v. 228 Cans \* \* \*. (F. D. C. No. 36254. Sample Nos. 75115-L, 75116-L.)**

**LIBEL FILED:** December 18, 1953, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about December 14, 1953, by W. H. Russell, from Mila, Va.

**PRODUCT:** 228 1-pint cans of oysters at Charleston, W. Va.

**LABEL, IN PART:** "Delicious Oysters \* \* \* Oysters Standards [or "Selects"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** December 24, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

**21173. Adulteration of frozen breaded shrimp. U. S. v. 305 Cases \* \* \*. (F. D. C. No. 35979. Sample No. 74281-L.)**

**LIBEL FILED:** November 23, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about October 17, 1953, by the Booth Fisheries Corp., from Brownsville, Tex.

**PRODUCT:** 305 cases, each containing 24 packages, of frozen breaded shrimp at Los Angeles, Calif.

**LABEL, IN PART:** (Package) "Freeman Certi-Fresh Fresh Frozen Sea Foods Net Wt. 10 Oz. or More \* \* \* Breaded Fantail Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 1, 1954. The Booth Fisheries Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a State organization, for use as fish food.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21174. Adulteration of canned sliced papaya. U. S. v. 49 Cases, etc. (F. D. C. No. 36330. Sample Nos. 42161-L, 42162-L.)**

**LIBEL FILED:** February 24, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about January 28, 1954, by the Hawaiian Sun Products, from Honolulu, T. H.

PRODUCT: 98 cases, each containing 12 jars, of canned sliced papaya at San Francisco, Calif.

LABEL, IN PART: (Jar) "Tropical Isle [or "Fancifood Brand"] Hawaiian Sliced Papaya \* \* \* Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 5, 1954. Default decree of condemnation and destruction.

**21175. Adulteration of canned peaches. U. S. v. 22 Cases \* \* \*. (F. D. C. No. 35479. Sample No. 14735-L.)**

LIBEL FILED: September 14, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about August 25, 1953, by Glen Johnson, from Wenatchee, Wash.

PRODUCT: 22 cases, each containing 6 No. 10 cans, of peaches at Denver, Colo. Examination showed that the product was undergoing chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 13, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

#### DRIED FRUIT

**21176. Adulteration of raisins. U. S. v. 399 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36194, 36199. Sample Nos. 42124-L, 42126-L.)**

LIBELS FILED: December 17, 1953, Eastern District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: On or about October 30, 1953, by the Sun-Maid Raisin Growers of California, from Fresno, Calif.

PRODUCT: 399 cases, each containing 48 packages, of raisins at Philadelphia, Pa., and 214 cases, each containing 36 packages, of raisins at Boston, Mass.

LABEL, IN PART: (Package) "Net Wt. 15 Oz. Sun-Maid Raisins Seeded Muscats [or "Puffed Seeded Muscats"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 2 and 23, 1954. Default decrees of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

**21177. Adulteration of frozen lima beans. U. S. v. 1,008 Cases \* \* \*. (F. D. C. No. 36380. Sample No. 45998-L.)**

LIBEL FILED: February 5, 1954, District of Maine.

ALLEGED SHIPMENT: On or about September 6, 1950, from Pasadena, Calif.

PRODUCT: 1,008 cases, each containing 12 10-ounce cartons, of frozen lima beans at Portland, Maine.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lima beans. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 27, 1954. Default decree of condemnation and destruction.

**21178. Adulteration of stuffed olives. U. S. v. 65 Cases \* \* \*. (F. D. C. No. 36405. Sample Nos. 52815-L, 52816-L.)**

**LIBEL FILED:** On or about February 26, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 3 and August 1, 1953, from La Coruna, Spain.

**PRODUCT:** 65 cases, each containing 12 2-pound, 2 ounce cans, of stuffed olives at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 11, 1954. Default decree of condemnation and destruction.

**21179. Adulteration of olives with peppers. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36349. Sample No. 82361-L.)**

**LIBEL FILED:** March 10, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 2, 1953, by the Puritan Co. of America, from Chicago, Ill.

**PRODUCT:** 18 cases, each containing 12 jars, of olives with peppers at Erie, Pa.

**LABEL, IN PART:** (Jar) "Our Value Brand Salad Olives With Spanish Sweet Peppers No. 24 Dr. Net Wt. 1 Lb., Avd."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives.

**DISPOSITION:** May 11, 1954. Default decree of condemnation and destruction.

**21180. Adulteration of sweet relish. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 36166. Sample No. 40200-L.)**

**LIBEL FILED:** December 2, 1953, District of Arizona.

**ALLEGED SHIPMENT:** On or about October 8, 1953, by Specialty Foods, from Long Beach, Calif.

**PRODUCT:** 8 cases, each containing 12 tumblers, of sweet relish at Phoenix, Ariz.

**LABEL, IN PART:** (Tumbler) "S & F Sweet Relish \* \* \* Contents 9 Fl. Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, fly parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 8, 1954. Default decree of condemnation and destruction.

**TOMATOES AND TOMATO PRODUCTS**

**21181. Adulteration of canned tomatoes. U. S. v. 141 Cases \* \* \*. (F. D. C. No. 35396. Sample No. 73614-L.)**

LIBEL FILED: August 25, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 12, 1953, by Thomas W. Spencer, from Rocks, Md.

PRODUCT: 141 cases, each containing 24 cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Filco Brand Extra Standard Tomatoes Contents 1 Lb. 3 Oz.," "Orange and Black Brand Tomatoes Contents 1 Lb. 3 Oz.," or "Q and E Tomatoes Net Weight 1 Lb. 3 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

**21182. Adulteration of tomato paste. U. S. v. 47 Boxes \* \* \*. (F. D. C. No. 36514. Sample No. 49757-L.)**

LIBEL FILED: On or about April 23, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about April 18, 1951, from Italy.

PRODUCT: 47 boxes, each containing 6 10-pound cans, of tomato paste at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 14, 1954. Default decree of condemnation and destruction.

**21183. Misbranding of tomato puree. U. S. v. 78 Cases \* \* \*. (F. D. C. No. 35999. Sample No. 22449-L.)**

LIBEL FILED: December 4, 1953, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 6, 1953, by the Taormina Co., from Donna, Tex.

PRODUCT: 78 cases, each containing 100 cans, of tomato puree at Shreveport, La.

LABEL, IN PART: (Can) "Buffalo Brand Net Weight 4 $\frac{3}{4}$  Oz. \* \* \* Tomato Puree" or "Contents 4 $\frac{3}{4}$  Oz. Avoir. Texas Magic Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: January 26, 1954. Default decree of condemnation and destruction. Destruction was effected by the delivery of the product for the use of a Federal institution.

**NUTS AND NUT PRODUCTS**

**21184. Adulteration of brazil nuts. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 36209. Sample No. 60132-L.)**

LIBEL FILED: December 30, 1953, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 14, 1953, by Southgate Brokerage Co., Inc., from Norfolk, Va.

PRODUCT: 42 cases, each containing 24 bags, of brazil nuts at East Point, Ga.

LABEL, IN PART: (Bag) "Red Mill Our Best Grade Brazil Nuts \* \* \* Net Weight One Pound."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed brazil nuts.

DISPOSITION: January 29, 1954. Default decree of condemnation and destruction.

**21185. Adulteration of cashew nuts. U. S. v. 10 Tins, etc. (F. D. C. No. 36235. Sample Nos. 83375-L to 83377-L, incl.)**

LIBEL FILED: January 14, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about May 14 and September 28, 1953, from New York, N. Y.

PRODUCT: 22 25-pound tins of cashew nuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 6, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

**21186. Adulteration of granulated cashew nuts. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 35990. Sample No. 83870-L.)**

LIBEL FILED: November 25, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about October 30, 1953, by National Almond Products Co., Inc., from Brooklyn, N. Y.

PRODUCT: 6 cases of granulated cashew nuts at Minneapolis, Minn.

LABEL, IN PART: "Net 30 Lbs. 'National' Granulated Cashew Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, and insect parts.

DISPOSITION: March 8, 1954. A default decree was entered providing for destruction of the product unless denatured for use as animal feed.

**21187. Adulteration of peanut granules. U. S. v. 33 Cases \* \* \*. (F. D. C. No. 35980. Sample No. 63524-L.)**

LIBEL FILED: November 19, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 19 and 26, 1953, by Aster Nut Products Co., Inc., from Evansville, Ind.

PRODUCT: 33 30-pound cases of peanut granules at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 4, 1954. Default decree of condemnation and destruction.

**21188. Adulteration of peanut granules.** U. S. v. 8 Cases \* \* \*. (F. D. C. No. 35981. Sample No. 78953-L.)

**LIBEL FILED:** November 19, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 8, 1953, by Aster Nut Products Co., Inc., from Evansville, Ind.

**PRODUCT:** 8 30-pound cases of peanut granules at Louisville, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 1, 1954. Aster Nut Products Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21189. Adulteration of peanut butter.** U. S. v. 17 Cases \* \* \*. (F. D. C. No. 36332. Sample No. 71014-L.)

**LIBEL FILED:** March 1, 1954, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 28, 1953, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

**PRODUCT:** 17 cases, each containing 12 24-ounce jars, of peanut butter at Louisville, Ky.

**LABEL, IN PART:** (Jar) "Pendennis \* \* \* Texturized Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

**DISPOSITION:** March 22, 1954. The J. H. Erbrich Products Co. having consented to the disposition of the product, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21190. Adulteration of pecan meats.** U. S. v. 80 Cartons, etc. (F. D. C. No. 36355. Sample No. 50159-L.)

**LIBEL FILED:** January 28, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 1, 1953, by the Miller Pecan Co., from Albany, Ga.

**PRODUCT:** 98 cartons of pecan meats at New York, N. Y.

**LABEL, IN PART:** (Carton) "Millers Select extra fancy Pecans \* \* \* Fancy Large Pieces Net 30" and "Millers Select extra fancy Pecans \* \* \* Fancy Special Large Pieces Net Wt. 30 Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 23, 1954. Default decree of condemnation and destruction.

**21191. Adulteration of pecan meats. U. S. v. 50 Cases, etc. (F. D. C. No. 36237. Sample No. 41657-L.)**

**LIBLE FILED:** January 21, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 17 and 27, 1953, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** 50 25-pound cases and 35 30-pound cases of pecan meats at Lancaster, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 23, 1954. Default decree of condemnation and destruction.

**21192. Adulteration of pecan meats. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36287. Sample No. 43606-L.)**

**LIBLE FILED:** January 19, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 3, 1953, by the Natchez Pecan Shell-ing Co., from Natchez, Miss.

**PRODUCT:** 6 cases of pecan meats at Lafayette, Calif.

**LABEL, IN PART:** "30 Lbs. Net When Packed \* \* \* Dixie's Best Selected Shelled Pecans Large Halves."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

**DISPOSITION:** February 2, 1954. Default decree of condemnation and destruction.

**21193. Adulteration of shelled walnuts. U. S. v. 17 Boxes \* \* \*. (F. D. C. No. 36300. Sample No. 65532-L.)**

**LIBLE FILED:** January 27, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 2, 1953, from New York, N. Y.

**PRODUCT:** 17 55-pound boxes of shelled walnuts at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 6, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

## **POULTRY**

**21194. Adulteration of dressed poultry. U. S. v. 7,723 Pounds \* \* \*. (F. D. C. No. 35263. Sample No. 57381-L.)**

**LIBLE FILED:** May 22, 1953, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about May 11, 1953, by Diamond State Poultry Co., Inc., from Lewes, Del.

**PRODUCT:** 7,723 pounds of dressed poultry in 101 crates at Norfolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** Diamond State Poultry Co., Inc., claimant, filed an answer denying that the product was adulterated. The Government then served a set of written interrogatories upon the claimant, which were answered on March 2, 1954. Thereafter, the claimant consented to the entry of a decree without prejudice to its right to contest the fact of adulteration in other proceedings, and on March 8, 1954, judgment of condemnation was entered. The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The poultry was reconditioned by a thorough scrubbing and cleaning of each bird.

**21195. Adulteration of dressed poultry. U. S. v. 658 Pounds \* \* \*. (F. D. C. No. 36242. Sample Nos. 81711-L, 81712-L.)**

**LIBEL FILED:** December 8, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 20, 1953, by Babendure & Sons, from Fremont, Nebr.

**PRODUCT:** 658 pounds of dressed poultry in 12 boxes at Council Bluffs, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 14, 1954. Babendure & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion from the fit portion, under the Supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 83 birds out of a total of 200 were found unfit and were destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21196. Misbranding of black pepper. U. S. v. 75 Cases \* \* \*. (F. D. C. No. 36433. Sample No. 60161-L.)**

**LIBEL FILED:** March 12, 1954, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 27, 1954, by the La Salle Mfg. Co., from Chicago, Ill.

**PRODUCT:** 75 cases, each containing 48 cans, of black pepper at Charleston, S. C.

**LABEL, IN PART:** (Can) "Florence Nightingale 1 Oz. Net Wt. Pure Ground Black Pepper."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

**DISPOSITION:** April 7, 1954. The La Salle Mfg. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**21197. Misbranding of black pepper.** U. S. v. 59 Cases \* \* \*. (F. D. C. No. 35374. Sample No. 73553-L.)

**LIBLE FILED:** August 10, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 8, 1953, by the Cumberland Mfg. Co., from Nashville, Tenn.

**PRODUCT:** 59 cases, each containing 12 cans, of black pepper at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Windsor Brand One Ounce Net Weight Pure Ground Black Pepper."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

**DISPOSITION:** March 1, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**21198. Adulteration of salt.** U. S. v. 31 Sacks \* \* \*. (F. D. C. No. 36382. Sample No. 75453-L.)

**LIBLE FILED:** February 8, 1954, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 4, 1953, from Baltimore, Md.

**PRODUCT:** 31 100-pound sacks of salt at Ahoskie, N. C., in possession of the Ahoskie Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 25, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for animal consumption.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**21199. Adulteration and misbranding of vitamin capsules.** U. S. v. 67 Bottles, etc. (and 1 other seizure action). (F. D. C. Nos. 35408, 35654. Sample Nos. 39347-L, 39348-L, 39353-L, 39354-L.)

**LIBLES FILED:** August 27 and October 19, 1953, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about November 10 and December 26, 1950, April 23, 1951, November 20, 1952, and May 29, 1953, from Philadelphia, Pa.

**PRODUCT:** 91 500-capsule bottles, 1 300-capsule bottle, 534 100-capsule bottles, 1 drum containing 9,700 capsules, and 1 drum containing 24,700 capsules, of vitamin capsules at Norfolk, Va.

**LABEL, IN PART:** (Bottles and drums) "D-Cal-Bron \* \* \* Each Capsule Contains \* \* \* Vitamin D..... 333 units" and "D-Cal-Bron With Vitamin C Each Capsule Contains: \* \* \* Vitamin D..... 333 units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains \* \* \* Vitamin D..... 333 units" was false and misleading as applied to the articles, which contained less than 333 units of vitamin D per capsule.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 16, 1954. The Coastal Pharmaceutical Co., Inc., Norfolk, Va., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**21200. Adulteration and misbranding of Nutrifactor tablets. U. S. v. 264 Bottles, etc. (F. D. C. No. 36218. Sample No. 52574-L.)**

**LIBEL FILED:** January 4, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 30, 1953, by Nysco Laboratories, Inc., from Long Island City, N. Y.

**PRODUCT:** 264 90-tablet bottles and 108 100-tablet bottles of Nutrifactor tablets at Jersey City, N. J.

**RESULTS OF INVESTIGATION:** The article was shipped in interstate commerce in a bulk container, and, upon receipt by the consignee, was repacked into the bottles. Analysis showed that the product contained 65 percent of the declared amount of vitamin C.

**LABEL, IN PART:** (Bulk container) "Nysco Laboratories, Inc. Special Formula C.F. 2243 Lot 4371 \* \* \* Nutrifactor Tablets Each tablet contains: \* \* \* C 10 mg. \* \* \* For repackaging and relabeling Only."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), the valuable constituent, vitamin C, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each tablet contains: \* \* \* C 10 mg." was false and misleading as applied to the article, which contained less than the declared amount of vitamin C.

**DISPOSITION:** February 11, 1954. Default decree of condemnation and destruction.

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# U. S. Department of Health, Education, and Welfare

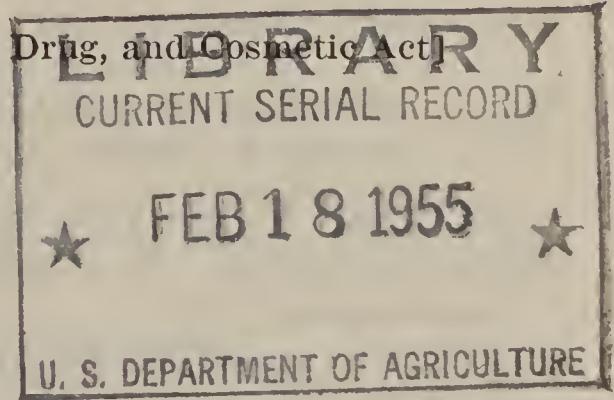
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21201-21250

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 31, 1955.

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**CANDY**

**21201. Adulteration of candy. U. S. v. 40 Cases \* \* \*. (F. D. C. No. 35929.  
Sample No. 76168-L.)**

**LIBEL FILED:** November 5, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 8, 1953, by the Sierra Candy Co.,  
from San Francisco, Calif.

**PRODUCT:** 40 cases, each containing 36 pounds, of candy at Seattle, Wash.

**LABEL, IN PART:** "Mel-O-Way Chocolate Crunch."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insect frag-  
ments; and, Section 402 (a) (4), the article had been prepared under insani-  
tary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 12, 1954. Default decree of condemnation and destruction.

**21202. Adulteration of candy. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 36119.  
Sample No. 73804-L.)**

**LIBEL FILED:** November 10, 1953, District of Delaware.

**ALLEGED SHIPMENT:** On or about October 21, 1953, by the North Penn Candy Co.,  
from Lansdale, Pa.

**PRODUCT:** 11 cases, each containing 6 boxes, of candy at Wilmington, Del.

**LABEL, IN PART:** (Box) "Greetings Ye Old Timer Chocolates \* \* \* 5 Lbs. Net  
Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects, insect  
parts, and rodent hair fragments; and, Section 402 (a) (4), the article had  
been prepared under insanitary conditions whereby it may have become con-  
taminated with filth.

**DISPOSITION:** December 1, 1953. Default decree of condemnation and destruc-  
tion.

**21203. Adulteration of candy. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 36128.  
Sample No. 84595-L.)**

**LIBEL FILED:** November 19, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 30, 1953, by the North Penn Candy  
Co., from Lansdale, Pa.

**PRODUCT:** 4 cases, each containing 6 boxes, of candy at Camden, N. J.

**LABEL, IN PART:** (Box) "Greetings Ye Old Timer Chocolates \* \* \* 5 Lbs. Net  
Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects, insect  
parts, rodent hair fragments and cat hair fragments; and Section 402 (a) (4),  
the article had been prepared under insanitary conditions whereby it may have  
become contaminated with filth.

**DISPOSITION:** December 21, 1953. Default decree of condemnation and destruc-  
tion.

**21204. Adulteration of candy. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 35970. Sample No. 41070-L.)**

LIBEL FILED: November 25, 1953, Eastern District of Washington.

ALLEGED SHIPMENT: On or about September 28, 1953, by the Candy Products Co., from Portland, Oreg.

PRODUCT: 10 cases of candy at Spokane, Wash.

LABEL, IN PART: "25 Pounds Pug's Quality Candy Black and Orange Large AB Gums."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of ants and ant parts.

DISPOSITION: December 29, 1953. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**21205. Adulteration of cookies. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 36008. Sample No. 54697-L.)**

LIBEL FILED: December 2, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 2, 1953, by Zion Industries, Inc., from Zion, Ill.

PRODUCT: 12 cases, each containing 12 packages, of cookies at Detroit, Mich.

LABEL, IN PART: (Package) "Zion Country Fresh Date and Nut Bars \* \* \* Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

**21206. Adulteration of toast. U. S. v. 26 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36095, 36096. Sample Nos. 65670-L, 65707-L to 65710-L, incl.)**

LIBELS FILED: November 4, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 10 and 22, 1953, by the Northern Baking Co., from Ironwood, Mich.

PRODUCT: 107 bags of toast at Waukegan and De Kalb, Ill.

LABEL, IN PART: (Bag) "1 Lb. 12 Oz. Net Weight When Packed Sugar [or "Sugar Cinnamon," "Cinnamon," or "Tea"] Northern's Bestyet Toast."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 28, 1954. Default decrees of condemnation and destruction.

**21207. Adulteration of toast.** U. S. v. 16 Cartons \* \* \*. (F. D. C. No. 35951.  
Sample No. 55702-L.)

**LIBEL FILED:** November 3, 1953, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 26, 1953, by the Northern Baking Co.,  
from Ironwood, Mich.

**PRODUCT:** 16 cartons, each containing 12 boxes, of toast at Spencer, N. Y.

**LABEL, IN PART:** (Box) "2 Pounds Net Weight When Packed Northern Toast."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects,  
insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had  
been prepared under insanitary conditions whereby it may have become con-  
taminated with filth.

**DISPOSITION:** December 10, 1953. Default decree of condemnation and destruc-  
tion.

### FLOUR

**21208. Adulteration of flour.** U. S. v. 14 Bags, etc. (F. D. C. No. 35959. Sample  
Nos. 83551-L to 83553-L, incl.)

**LIBEL FILED:** November 10, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 11, 1953, from Valley City, N. Dak.

**PRODUCT:** 14 100-pound bags, 78 50-pound bags, and 24 25-pound bags of  
flour at Detroit Lakes, Minn., in possession of the Nash-Finch Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of rodent urine;  
and, Section 402 (a) (4), the article had been held under insanitary conditions  
whereby it may have become contaminated with filth. The article was adulter-  
ated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 6, 1954. The Nash-Finch Co., claimant, having consented  
to the entry of a decree, judgment of condemnation was entered and the court  
ordered that the product be released under bond for segregation of the unfit  
portion under the supervision of the Department of Health, Education, and  
Welfare. As a result of the segregation operations, 5,750 pounds were found  
unfit and were disposed of for use as animal feed.

**21209. Adulteration of flour.** U. S. v. 16 Bags \* \* \*. (F. D. C. No. 35963.  
Sample No. 60114-L.)

**LIBEL FILED:** November 12, 1953, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about August 3 and 18, 1953, from Memphis, Tenn.,  
and Springfield, Ill.

**PRODUCT:** 16 100-pound bags of flour at Columbus, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects. The  
article was adulterated while held for sale after shipment in interstate  
commerce.

**DISPOSITION:** March 22, 1954. Default decree of condemnation. The court  
ordered that the product be delivered to a charitable institution, for use as  
animal feed.

**MISCELLANEOUS CEREALS AND CEREAL PRODUCTS**

**21210. Adulteration of corn grits.** U. S. v. 135 Bags \* \* \*. (F. D. C. No. 35954. Sample No. 70727-L.)

**LIBLE FILED:** November 6, 1953, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 25, 1953, from Kankakee, Ill.

**PRODUCT:** 135 100-pound bags of corn grits at Minster, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1953. Default decree of condemnation. The court ordered that the product be sold for use as animal feed.

**21211. Adulteration of rice.** U. S. v. 95 Bags, etc. (F. D. C. No. 36198. Sample Nos. 60127-L, 60128-L.)

**LIBLE FILED:** December 17, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 17, 1953, from Stuttgart, Ark.

**PRODUCT:** 209 100-pound bags of rice at Atlanta, Ga., stored at the Southern Bonded Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1953. Producers Rice Mill, Inc., Stuttgart, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

The product was reconditioned, with the result that 700 pounds of the product were found unfit and were denatured.

**21212. Adulteration of doughnut mix.** U. S. v. 4 Bags \* \* \*. (F. D. C. No. 35524. Sample No. 61738-L.)

**LIBLE FILED:** October 5, 1953, District of Nebraska.

**ALLEGED SHIPMENT:** On or about September 4, 1953, by the Central Mercantile Co., from St. Joseph, Mo.

**PRODUCT:** 4 100-pound bags of doughnut mix at Falls City, Nebr.

**LABEL, IN PART:** "Igleheart's Doughnut Mix \* \* \* Made By \* \* \* Igleheart Brothers Division General Foods Corporation, Evansville, Indiana."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 6, 1953. The shipper and the consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**DAIRY PRODUCTS****BUTTER**

**21213. Adulteration of butter. U. S. v. 152 Boxes, etc. (total, 11,328 pounds).**  
(F. D. C. No. 35879. Sample No. 19736-L.)

**LIBEL FILED:** November 19, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 14, 1953, by the Minneapolis, St. Paul & Sault Ste. Marie R. R. Co., from Burlington, Wis.

**PRODUCT:** 1,600 pounds and 152 boxes, each box containing 64 pounds, of butter at Minneapolis, Minn.

**LABEL, IN PART:** (Boxes) "Butter Distributed by C. W. Dunnet & Co. Phila. Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt.

**DISPOSITION:** November 19, 1953. The Minneapolis, St. Paul & Sault Ste. Marie R. R. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by trimming all of the unfit butter from the suitable portion and using the unfit butter for rendering purposes, under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 3,052 pounds of the product were found unfit and were rendered into soap.

**21214. Adulteration of butter. U. S. v. 84 Boxes (5,880 pounds) \* \* \*. (F. D. C. No. 35865. Sample No. 64874-L.)**

**LIBEL FILED:** November 6, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 21, 1953, by the Landsberger Creamery & Produce Co., from Sisseton, S. Dak.

**PRODUCT:** 84 70-pound boxes of butter at Montevideo, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly and other insect fragments, manure fragments, rodent hair fragments, and feather barbules; and, Section 402 (a) (4), the article was prepared under insanitary conditions.

**DISPOSITION:** February 3, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed or disposed of for rendering purposes.

**FISH AND SHELLFISH**

**21215. Adulteration of frozen red snappers. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 36484. Sample No. 50181-L.)**

**LIBEL FILED:** On or about April 8, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 6, 1953, from Pensacola, Fla.

**PRODUCT:** 7 cases, each containing 3 20-pound cartons, of frozen red snappers at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decom-

posed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 7, 1954. Default decree of condemnation and destruction.

**21216. Adulteration of frozen red snappers. U. S. v. 301 Pounds \* \* \*. (F. D. C. No. 36483. Sample No. 50180-L.)**

LIBEL FILED: On or about April 8, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about November 9, 1951, from the State of Florida.

PRODUCT: 301 pounds of frozen red snappers in 4 boxes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Default decree of condemnation and destruction.

**21217. Adulteration of frozen tullibees. U. S. v. 239 Pounds \* \* \*. (F. D. C. No. 36486. Sample No. 49927-L.)**

LIBEL FILED: April 7, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about March 17, 1953, by various dealers in New York, N. Y.

PRODUCT: 239 pounds of frozen tullibees in 2 boxes at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: May 13, 1954. Default decree of condemnation and destruction.

**21218. Adulteration of canned tuna. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 35912. Sample No. 64552-L.)**

LIBEL FILED: October 23, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about November 15, 1952, from Astoria, Oreg.

PRODUCT: 5 cases, each containing 48 7-ounce cans, of tuna at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

**21219. Adulteration of crabmeat. U. S. v. 351 Cans, etc. (F. D. C. No. 35857. Sample Nos. 39063-L to 39065-L, incl.)**

LIBEL FILED: On or about October 15, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about October 9, 1953, by the Singleton Shrimp Co., from Fort Myers, Fla.

PRODUCT: 864 cans of crabmeat at Baltimore, Md.

LABEL, IN PART: "Daniel's Seafood Co. \* \* \* Claw [or "Backfin"] Crab Meat 1 lb. Net Fort Myers, Fla." and "Mid-Car Brand All Lump Crab Meat 1 lb. Net \* \* \* Daniel's Seafood Co., Fort Myers, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become

contaminated with filth or whereby it may have been rendered injurious to health.

DISPOSITION: November 6, 1953. Default decree of condemnation and destruction.

**21220. Adulteration of crabmeat.** U. S. v. 105 Cans \* \* \*. (F. D. C. No. 35862. Sample No. 85089-L.)

LIBEL FILED: October 15, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 10, 1953, by Klarer's Seafood Co., from Jacksonville, Fla.

PRODUCT: 105 cans of crabmeat at Philadelphia, Pa.

LABEL, IN PART: "John J. Klarer—Fla. 14 C Deluxe Crabmeat 1 Lb. Net Fernandina, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance by reason of the presence of *E. coli*.

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

**21221. Adulteration of canned shrimp.** U. S. v. 19 Cases \* \* \*. (F. D. C. No. 36099. Sample No. 45400-L.)

LIBEL FILED: October 30, 1953, District of Connecticut.

ALLEGED SHIPMENT: On or about September 8, 1953, by Reuther's Seafood Co., Inc., from New Orleans, La.

PRODUCT: 19 cases, each containing 24 cans, of shrimp at Bridgeport, Conn.

LABEL, IN PART: (Can) "Marvelous Brand Medium Shrimp Wet Pack Drained Wt. 5 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 7, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21222. Adulteration of canned apples.** U. S. v. 99 Cases \* \* \*. (F. D. C. No. 36010. Sample No. 81633-L.)

LIBEL FILED: December 9, 1953, District of Kansas.

ALLEGED SHIPMENT: On or about October 6, 1953, by the Hershey Wholesale Grocery Co., from North Kansas City, Mo.

PRODUCT: 99 cases, each containing 6 cans, of apples at Leavenworth, Kans.

LABEL, IN PART: (Can) "Gaylord Brand Contents 6 Lbs. Sliced Apples Gaylord Canning Co. Packers-Distributors Sodus, N. Y.," "Little Boy Brand Solid Pack Sliced Apples Contents 6 Lbs. 2 Oz. Packed by A. T. Hipke & Sons, Inc. New Holstein, Wis.," and "Orange County Sliced Apples Contents 6 Lbs. \* \* \* Gaylord Canning Company Middletown, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1954. Default decree of condemnation and destruction. On February 10, 1954, the decree was amended to provide for the delivery of the product to a Federal institution, for use as animal feed.

**21223. Adulteration of canned apples.** U. S. v. 31 Cases \* \* \*. (F. D. C. No. 36017. Sample No. 61888-L.)

LIBEL FILED: December 18, 1953, District of Kansas.

ALLEGED SHIPMENT: On or about July 13, 1953, by the Hershey Wholesale Grocery Co., from Kansas City, Mo.

PRODUCT: 31 cases, each containing 6 cans, of apples at Topeka, Kans.

LABEL, IN PART: (Can) "Gaylord Brand Contents 6 Lbs. Sliced Apples Gaylord Canning Co. Packers-Distributors Sodus, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1954. Default decree of condemnation and destruction.

**21224. Adulteration of canned applesauce.** U. S. v. 400 Cases \* \* \*. (F. D. C. No. 36389. Sample No. 75632-L.)

LIBEL FILED: On or about February 10, 1954, District of Maryland.

ALLEGED SHIPMENT: On or about November 19, 1953, by National Fruit Products Co., Inc., from Glassboro, N. J.

PRODUCT: 400 cases, each containing 24 cans, of applesauce at Baltimore, Md.

LABEL, IN PART: (Can) "B. M. Co. Manischewitz Fancy Apple Sauce Grade A \* \* \* The B. Manischewitz Co. Distributor \* \* \* 1 lb. 1 oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed applesauce.

DISPOSITION: February 24, 1954. National Fruit Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 20 cases of the product were found unfit and were destroyed.

## DRIED FRUIT

**21225. Adulteration of raisins.** U. S. v. 299 Cases \* \* \*. (F. D. C. No. 36089. Sample No. 27577-L.)

LIBEL FILED: November 4, 1953, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 13, 1953, by the California Raisin Co., from Fresno Calif.

PRODUCT: 299 cases of seedless raisins at Norfolk, Va.

LABEL, IN PART: (Case) "Net Wt. 30 Lbs. Farm Boy Midget Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 19, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State or Federal institution, for use as animal feed, or that it be destroyed.

**21226. Adulteration of raisins. U. S. v. 38 Cases, etc. (F. D. C. No. 36283.)**  
Sample Nos. 82077-L, 82078-L.)

**LIBEL FILED:** January 13, 1954, District of Kansas.

**ALLEGED SHIPMENT:** On or about September 25, 1953, by the El Mar Packing Co., from Fresno, Calif.

**PRODUCT:** Raisins. 38 cases, each containing 16 2-pound packages, and 28 30-pound cases at Wichita, Kans.

**LABEL, IN PART:** (Package) "Cal-Ray Seedless Raisins"; (case) "Cal-Ray Select Thompson Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** April 13, 1954. Default decree of condemnation. The court ordered that the product be destroyed or delivered to a Federal or State institution, for use as animal feed.

## VEGETABLES AND VEGETABLE PRODUCTS

**21227. Adulteration of dried cranberry beans. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 36403. Sample No. 72648-L.)**

**LIBEL FILED:** On or about March 4, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about September 16, 1953, from Lowell and Grand Rapids, Mich.

**PRODUCT:** 10 100-pound bags of dried cranberry beans at Appalachia, Va., in possession of Virginia Wholesale Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 18, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use other than for human consumption.

**21228. Adulteration of Great Northern beans. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 35997. Sample No. 83527-L.)**

**LIBEL FILED:** December 1, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 14, 1953, from Morrill, Nebr.

**PRODUCT:** 14 100-pound bags of Great Northern beans at Albert Lea, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 8, 1954. A default decree was entered providing for the destruction of the product, unless denatured for use as animal feed.

**21229. Adulteration of frozen turnip greens. U. S. v. 42 Cases, etc. (F. D. C. No. 36204. Sample No. 38988-L.)**

LIBEL FILED: On or about December 22, 1953, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 27, 1953, by Southern Frozen Foods, Inc., from Montezuma, Ga.

PRODUCT: 92 cases, each containing 12 packages, of frozen turnip greens at Roanoke and Salem, Va.

LABEL, IN PART: (Box) "McKenzie's Young Tender Chopped Turnip Greens \* \* \* Net Weight 3 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of an excessive amount of sand.

DISPOSITION: February 16, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use other than for human consumption.

**21230. Adulteration of stuffed olives. U. S. v. 35 Cases \* \* \*. (F. D. C. No. 36461. Sample No. 52827-L.)**

LIBEL FILED: On or about March 30, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1953, from Chicago, Ill. This was a return shipment.

PRODUCT: 35 cases, each containing 12 cans, of stuffed olives at New York, N. Y.

LABEL, IN PART: (Can) "Genuine Spanish Olives Stuffed With Filets of Anchovies Net Wgt. 2 Lb. 2 Oz. \* \* \* Product of Spain."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 5, 1954. Default decree of condemnation and destruction.

**21231. Adulteration of olives with pimentos. U. S. v. 17 Cases \* \* \*. (F. D. C. No. 36305. Sample No. 61929-L.)**

LIBEL FILED: On or about February 5, 1954, Western District of Missouri.

ALLEGED SHIPMENT: The product was imported from Spain prior to December 2, 1953, and after repacking, it was shipped to Kansas City, Mo., by A. C. L. Haase Co., from St. Louis, Mo., on or about December 2 and 11, 1953.

PRODUCT: 17 cases, each containing 12 jars, of olives with pimentos at Kansas City, Mo.

LABEL, IN PART: (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 32 Dr. Wt. 1 Lb. 5 Oz. Packed By A. C. L. Haase Co. St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

DISPOSITION: March 30, 1954. Default decree of condemnation and destruction.

**21232. Adulteration of olives with sweet peppers. U. S. v. 33 Cases \* \* \*. (F. D. C. No. 36006. Sample No. 82437-L.)**

LIBEL FILED: December 1, 1953, Western District of New York.

ALLEGED SHIPMENT: On or about August 28, 1953, by the Manhattan Packing Co., from McKees Rocks, Pa.

PRODUCT: 33 cases, each containing 12 jars, of olives with sweet peppers at Rochester, N. Y.

LABEL, IN PART: (Jar) "York Brand Net Wt. 1 Lb. 5 Ozs. Salad Olives With Spanish Sweet Peppers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives.

DISPOSITION: January 22, 1954. Default decree of condemnation and destruction.

21233. Adulteration of frozen black-eyed peas. U. S. v. 99 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36212, 36221. Sample Nos. 72483-L, 72484-L.)

LIBELS FILED: On or about December 28 and 30, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about December 11 and 14, 1953, by Southern Frozen Foods, Inc., from Montezuma, Ga., and Washington, D. C.

PRODUCT: 120 cases, each containing 24 packages, of frozen black-eyed peas at Baltimore, Md.

LABEL, IN PART: (Package) "McKenzie's Frozen Fresh Blackeye Peas Net Wt. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged peas.

DISPOSITION: January 25, 1954. Default decrees of condemnation and destruction.

21234. Adulteration of canned pimentos. U. S. v. 919 Cases \* \* \*. (F. D. C. No. 35692. Sample No. 58130-L.)

LIBEL FILED: October 9, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 14, 1953, by the Pomona Products Co., from Griffin, Ga.

PRODUCT: 919 cases, each containing 24 cans, of pimentos at Chicago, Ill.

LABEL, IN PART: (Can) "Pomona Sunshine Brand First Quality Full Red Pieces Pimientos Contents 1 Lb. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1953. The Pomona Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 93 cases of the product were found unfit and were destroyed.

21235. Adulteration of sweet pickle relish. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 36351. Sample No. 84433-L.)

LIBEL FILED: January 21, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 10, 1953, by Harper & Bateman, from Hurlock, Md.

PRODUCT: 24 cases, each containing 4 jars, of sweet pickle relish at Philadelphia, Pa.

LABEL, IN PART: (Jar) "Arthur Brand Sweet Pickle Relish \* \* \* Contents One Gallon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

21236. Adulteration of canned tomatoes. U. S. v. 391 Cases \* \* \*. (F. D. C. No. 36362. Sample No. 72494-L.)

LIBEL FILED: On or about January 27, 1954, Western District of Virginia; amended libel filed on or about February 3, 1954.

ALLEGED SHIPMENT: On or about September 1, 1953, by the Bounds Package Corp., from Hebron, Md.

PRODUCT: 391 cases, each containing 24 cans, of tomatoes at Staunton, Va.

LABEL, IN PART: (Can) "Contents 1 Lb. 12 Oz. Bound's Brand Tomatoes Distributed By Geo. A. Bounds & Co. Hebron, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 8, 1954. The Bounds Package Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 183 cases, plus 23 cans, of the product were found unfit and were destroyed.

21237. Adulteration of canned tomatoes. U. S. v. 133 Cases \* \* \*. (F. D. C. No. 36195. Sample No. 58068-L.)

LIBEL FILED: December 21, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 9, 1953, by the Winorr Canning Co., from Wauseon, Ohio.

PRODUCT: 133 cases, each containing 24 cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: (Can) "Plee-Zing \* \* \* Tomatoes With Added Tomato Juice Trace of Calcium Chloride Added Net Weight 1 Lb. 3 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 16, 1954. Default decree of condemnation and destruction.

21238. Adulteration of tomato juice. U. S. v. 418 Cases \* \* \*. (F. D. C. No. 36411. Sample No. 46015-L.)

LIBEL FILED: February 24, 1954, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 4, 1953, by Perfection Foods, Inc., from Newark, N. Y.

PRODUCT: 418 cases, each containing 12 cans, of tomato juice at Worcester, Mass.

LABEL, IN PART: (Can) "Clover Farm Brand Tomato Juice Net Contents 1 Qt. 14 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 17, 1954. Default decree of condemnation and destruction.

**21239. Adulteration of tomato juice. U. S. v. 68 Cases \* \* \*. (F. D. C. No. 36009. Sample No. 69769-L.)**

LIBEL FILED: December 4, 1953, District of Idaho.

ALLEGED SHIPMENT: On or about October 8 and November 3, 1953, by Blackinton & Sons Canning Co., from Ogden, Utah.

PRODUCT: 68 cases, each containing 12 cans, of tomato juice at Pocatello, Idaho.

LABEL, IN PART: (Can) "Scowcroft's Full O' Flavor Tomato Juice Contents 1 Quart 14 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 9, 1954. Default decree of forfeiture and destruction.

## NUTS AND NUT PRODUCTS

**21240. Adulteration of cashew nuts. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 35528. Sample No. 20101-L.)**

LIBEL FILED: October 3, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about August 10, 1953, by the Pan American Food Co., from New York, N. Y.

PRODUCT: 21 50-pound cases of cashew nuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 13, 1953. T. M. Duche & Sons, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was examined, with the result that 110 pounds were found unfit and were denatured.

**21241. Adulteration of pecan meats. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 36487. Sample No. 63845-L.)**

LIBEL FILED: April 6, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 2, 10, 18, and 29, 1953, and January 7, 18, and 27, and February 5, 16, and 25, 1954, by the Southwest Pecan Co., from Bristow, Okla.

PRODUCT: 98 60-pound cases of pecan meats at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (b) (2), shell had been substituted in part for pecan granules, which the article was represented to be.

**DISPOSITION:** May 19, 1954. Default decree of condemnation and destruction.

**21242. Adulteration of pecan meats. U. S. v. 53 Cartons \* \* \*. (F. D. C. No. 36359. Sample No. 50153-L.)**

**LIBEL FILED:** January 28, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 7, 1953, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** 53 cartons of pecan meats at New York, N. Y.

**RESULTS OF INVESTIGATION:** Investigation of the Dixieland Pecan Co., Albany, Ga., the manufacturer of the product, showed that insanitary conditions existed which would result in contamination of the product.

**LABEL, IN PART:** (Carton) "Selected Pecan Meats 'Cream Of The Crop' Extra Large Pieces 30 Lbs Net Wt."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 5, 1954. Consolidated Pecan Sales Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare.

As a result of the reconditioning operations, 2½ cartons of the product were found unfit.

**21243. Adulteration of shelled walnuts. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 36325. Sample No. 83580-L.)**

**LIBEL FILED:** February 18, 1954, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 28, 1954, from Minneapolis, Minn. This was a return shipment.

**PRODUCT:** 7 30-pound cases of shelled walnuts at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs, and of a decomposed substance by reason of the presence of rancid walnuts; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 1, 1954. Default decree of condemnation and destruction.

**21244. Adulteration of coconut. U. S. v. 370 Bags \* \* \*. (F. D. C. No. 36416. Sample No. 75635-L.)**

**LIBEL FILED:** On or about February 26, 1954, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 11, 1953, from Manila, P. I.

**PRODUCT:** 370 100-pound bags of coconut at Baltimore, Md., in possession of the Baltimore & Ohio Railroad Co., Locust Point Docks, Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 19, 1954. The General Foods Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 4 bags, plus 75 pounds of skimmings, of the product were found unfit and were destroyed.

**21245. Adulteration of peanut butter. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 36331. Sample Nos. 86571-L, 86572-L.)**

**LIBEL FILED:** February 24, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 7, 1953, and January 25, 1954, by the J. H. Erbrich Co., from Indianapolis, Ind.

**PRODUCT:** 23 cases, each containing 24 jars, of peanut butter at Washington Court House, Ohio.

**LABEL, IN PART:** (Jar) "Contents 11 Oz. Goody-Goody Homogenized Peanut Butter \* \* \* Packed By Goody-Goody Products Co. Indianapolis, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 13, 1954. Default decree of destruction.

## POULTRY

**21246. Adulteration of dressed poultry. U. S. v. 364 Pounds \* \* \*. (F. D. C. No. 36097. Sample No. 51930-L.)**

**LIBEL FILED:** November 6, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 15, 19, and 20, 1953, by Beechwood Farms (S. R. Starr Plant), from Valley View, Pa.

**PRODUCT:** 364 pounds of dressed poultry in 5 crates at Brooklyn, N. Y.

**LABEL, IN PART:** (Crate) "Beechwood Farms Pennsylvania's Finest Poultry."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with crop material and fecal matter; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** January 14, 1954. Default decree of condemnation and destruction.

**21247. Adulteration of dressed poultry. U. S. v. 315 Pounds \* \* \*. (F. D. C. No. 36388. Sample No. 51942-L.)**

**LIBEL FILED:** February 19, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 28, 1954, by Beechwood Farms (S. R. Starr Plant), from Valley View, Pa.

PRODUCT: 315 pounds of dressed poultry in 4 crates at Brooklyn, N. Y.

LABEL, IN PART: (Crate) "Beechwood Farms Pennsylvania's Finest Poultry."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in part the product of a diseased animal and in part the product of an animal that had died otherwise than by slaughter.

DISPOSITION: April 5, 1954. Default decree of condemnation and destruction.

On April 22, 1954, the decree was amended to provide for the delivery of samples to the Food and Drug Administration and for the destruction of the remainder.

**21248. Adulteration of dressed poultry. U. S. v. 137 Pounds \* \* \*. (F. D. C. No. 36466. Sample No. 51946-L.)**

LIBEL FILED: On or about March 31, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1954, by the Lynn Poultry Farms, from Voluntown, Conn.

PRODUCT: 137 pounds of dressed poultry in 2 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: April 20, 1954. Default decree of condemnation and destruction.

On April 30, 1954, an amended decree was filed providing for the delivery of samples of the product to the Food and Drug Administration and for the destruction of the remainder.

**21249. Adulteration of dressed turkeys. U. S. v. 248 Pounds \* \* \*. (F. D. C. No. 36102. Sample No. 51931-L.)**

LIBEL FILED: November 6, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1953, by the Hanline Poultry Co., from Charlotte, N. C.

PRODUCT: 248 pounds of dressed turkeys in 4 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, crop material, and extraneous matter, and of a decomposed substance by reason of the presence of decomposed birds.

DISPOSITION: December 4, 1953. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21250. Adulteration of frozen dressed turkeys. U. S. v. 6,492 Pounds \* \* \*. (F. D. C. No. 36259. Sample No. 64696-L.)**

LIBEL FILED: January 11, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 18, 1953, by Perry Bros., from Stanfield, Oreg.

PRODUCT: 6,492 pounds of frozen dressed turkeys in 65 cases at Seattle, Wash.

LABEL, IN PART: "Majestic Full-Drawn Turkey," "Perry's Oven-Reddy Turkey," or "Fancy Broad Breast Young Full-Drawn Turkey."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed turkeys.

DISPOSITION: June 10, 1954. Default decree of condemnation and destruction.

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# U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

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## NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

U. S. DEPARTMENT OF AGRICULTURE

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21251-21300

### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., February 4, 1955.

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## CANDY

**21251. Adulteration of candy.** U. S. v. 21 Boxes, etc. (F. D. C. No. 36217.  
Sample Nos. 79351-L to 79354-L, incl.)

**LIBEL FILED:** January 5, 1954, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 25, 1953, by the Davis Candy Co.,  
from Chattanooga, Tenn.

**PRODUCT:** 84 boxes of candy at Albany, Ky.

**LABEL, IN PART:** (Box) "80 Delicious Davis Penny Sticks \* \* \* Cream [or  
"Clove," "Sassafras," or "Mint"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of rodent urine;  
and, Section 402 (a) (4), the article had been prepared under insanitary con-  
ditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 19, 1954. Default decree of condemnation and destruction.

**21252. Adulteration of candy.** U. S. v. 365 Cartons \* \* \*. (F. D. C. No. 36318.  
Sample No. 48166-L.)

**LIBEL FILED:** February 10, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about December 1, 1953, by the Blumenthal Bros.  
Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 365 cartons, each containing 24 boxes, of candy at New Orleans, La.

**LABEL, IN PART:** (Box) "Malties Pure Chocolate Coated Malted Milk Balls  
\* \* \* Net Wt. 7/8 Oz. \* \* \* B-B."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects, insect  
parts, and rodent hairs; and, Section 402 (a) (4), the article had been pre-  
pared under insanitary conditions whereby it may have become contaminated  
with filth.

**DISPOSITION:** March 22, 1954. Default decree of condemnation and destruction.

**21253. Adulteration of candy.** U. S. v. 133 Cases \* \* \*. (F. D. C. No. 36298.  
Sample No. 43531-L.)

**LIBEL FILED:** February 3, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 13, 1953, by the Blumenthal Bros.  
Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 133 cases, each containing 60 boxes, of candy at San Francisco, Calif.

**LABEL, IN PART:** (Box) "Sno-Caps B-B Chocolate Nonpareils \* \* \* Net  
Weight 1 7/8 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted  
in whole or in part of a filthy substance by reason of the presence of insects,  
insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been  
prepared under insanitary conditions whereby it may have become con-  
tamination with filth.

**DISPOSITION:** March 16, 1954. Default decree of condemnation and destruction.

**21254. Adulteration of chocolate-covered peanuts and chocolate-covered raisins.**

U. S. v. 74 Cases, etc. (F. D. C. No. 36369. Sample Nos. 52135-L to 52138-L, incl.)

**LIBLE FILED:** February 11, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about December 29, 1953, and January 4, 1954, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 74 cases, each containing 120 boxes, of chocolate-covered peanuts, and 121 cases, each containing 120 boxes, of chocolate-covered raisins at Brooklyn, N. Y.

**LABEL, IN PART:** (Box) "B-B Milk Chocolate Covered Goobers Peanuts \* \* \* Net Weight 1 Oz." and "B-B Milk Chocolate Covered Raisinets \* \* \* Net Wt. 1 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** March 11, 1954. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**21255. Adulteration of flour. U. S. v. 39 Bags, etc. (F. D. C. No. 36468. Sample Nos. 85805-L to 85810-L, incl.)**

**LIBLE FILED:** On or about April 22, 1954, District of New Mexico.

**ALLEGED SHIPMENT:** On or about February 13, June 16 and 24, July 16 and 21, August 4, and December 4, 1953, and January 6 and 16, 1954, from Fort Morgan, Colo.

**PRODUCT:** 109 25-pound bags and 39 50-pound bags of flour at Albuquerque, N. Mex., in possession of the Vaio Distributing Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 17, 1954. Default decree of condemnation and destruction.

**21256. Adulteration of flour. U. S. v. 36 Bags, etc. (F. D. C. No. 35520. Sample Nos. 62192-L, 62193-L.)**

**LIBLE FILED:** September 30, 1953, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about August 3 and 17, 1953, from Ada, Okla.

**PRODUCT:** 36 25-pound bags and 30 50-pound bags of flour at Texarkana, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21257. Adulteration of unpopped popcorn.** U. S. v. 10 Bags \* \* \*. (F. D. C. No. 36689. Sample No. 63623-L.)

**LIBEL FILED:** March 18, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 21, 1953, from South Bend, Ind.

**PRODUCT:** 10 100-pound bags of unpopped popcorn at Kankakee, Ill., in possession of Tenney Sales Service.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 21, 1954. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, for purposes other than for human consumption, or be destroyed.

**21258. Adulteration of rice.** U. S. v. 7 Bags \* \* \*. (F. D. C. No. 36275. Sample No. 65509-L.)

**LIBEL FILED:** January 2, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 29, 1953, from Stuttgart, Ark.

**PRODUCT:** 7 100-pound bags of rice at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

**21259. Adulteration of rye meal.** U. S. v. 21 Bags \* \* \*. (F. D. C. No. 36498. Sample No. 84163-L.)

**LIBEL FILED:** April 9, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 14, 1953, from Winona, Minn.

**PRODUCT:** 21 100-pound bags of rye meal at Atlantic City, N. J., in possession of Mason Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and insects; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 11, 1954. Default decree of condemnation and destruction.

**DAIRY PRODUCTS****BUTTER**

**21260. Adulteration of butter.** U. S. v. Cudahy Packing Co. Plea of guilty. Fine, \$3,000. (F. D. C. No. 35811. Sample Nos. 55912-L, 55915-L, 79084-L.)

**INFORMATION FILED:** March 26, 1954, Southern District of Ohio, against the Cudahy Packing Co., a corporation, Washington Court House, Ohio.

**ALLEGED SHIPMENT:** On or about September 8, 14, and 28, 1953, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** (Wrapper) "Daisy Maid Creamery Butter" and "Valley Farm Brand Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 12, 1954. The corporation having entered a plea of guilty, the court fined it \$3,000.

**21261. Adulteration of butter.** U. S. v. 16 Burlap Bags, etc. (F. D. C. No. 35887. Sample No. 19737-L.)

**LIBEL FILED:** November 19, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 14, 1953, from Burlington, Wis.

**PRODUCT:** 16 burlap bags, each containing 60 pounds, and 6 boxes, each containing 32 1-pound cartons, of butter at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1953. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

**CHEESE**

**21262. Adulteration of cheddar cheese.** U. S. v. Chateaugay Cooperative Marketing Association, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 35800. Sample No. 56142-L.)

**INFORMATION FILED:** April 28, 1954, Northern District of New York, against Chateaugay Cooperative Marketing Association, Inc., Chateaugay, N. Y.

**ALLEGED SHIPMENT:** On or about May 19, 1953, the defendant gave to a firm at Chateaugay, N. Y., which was engaged in the business of shipping cheese in interstate commerce, a guaranty to the effect that no article delivered by it to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about July 8, 1953, the defendant delivered to the holder of the guaranty, at Chateaugay, N. Y., a number of boxes of cheddar cheese which was adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments and insect fragments and by reason of the use of filth-contaminated milk in the preparation of the article.

**DISPOSITION:** June 3, 1954. The defendant having entered a plea of guilty, the court fined it \$100.

### MISCELLANEOUS DAIRY PRODUCTS

**21263. Adulteration of ice cream.** U. S. v. Greenville Dairy Co. and William A. Stull. Pleas of guilty. Fine of \$200 against company and \$50 against individual, plus costs. (F. D. C. No. 35159. Sample No. 8326-L.)

**INFORMATION FILED:** August 26, 1953, Western District of Pennsylvania, against the Greenville Dairy Co., a corporation, Greenville, Pa., and William A. Stull, plant manager for the corporation.

**ALLEGED SHIPMENT:** On or about May 5, 1953, from the State of Pennsylvania into the State of Ohio.

**LABEL, IN PART:** (Carton) "Beverly's Chocolate Ice Cream One Pint Liquid Made by Greenville Dairy Co., Greenville, Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 5, 1954. The defendants having entered pleas of guilty, the court imposed a fine of \$200 against the company and a fine of \$50 against the individual, plus costs.

**21264. Adulteration of nonfat dry milk solids.** U. S. v. 400 Bags \* \* \*. (F. D. C. No. 35382. Sample No. 2582-L.)

**LIBEL FILED:** August 7, 1953, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about June 26, 1953, by the Central Farm Products Co., from Allerton, Iowa.

**PRODUCT:** 400 bags of nonfat dry milk solids at Jacksonville, Fla.

**LABEL, IN PART:** (Bag) "Solo Brand Net Weight—100 Lbs. Roller Process Non Fat Dry Milk Solids."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product prepared from neutralized sour skim milk had been substituted in whole or in part for nonfat dry milk solids.

**DISPOSITION:** December 1, 1953. The Central Farm Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Department of Health, Education, and Welfare.

### FISH AND SHELLFISH

**21265. Adulteration of frozen haddock.** U. S. v. 29 Slabs \* \* \*. (F. D. C. No. 36071. Sample No. 50140-L.)

**LIBEL FILED:** October 30, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 19, 1953, from Gloucester, Mass.

**PRODUCT:** 29 slabs of frozen haddock, weighing a total of 888 pounds, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of

decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1953. Default decree of condemnation and destruction.

**21266. Adulteration of frozen haddock fillets.** U. S. v. 240 Cases \* \* \*.  
(F. D. C. No. 36256. Sample No. 70066-L.)

LIBEL FILED: December 17, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about September 18, 1953, by Fillets, Inc., from New York, N. Y.

PRODUCT: 240 cases, each containing 24 packages, of frozen haddock fillets at Denver, Colo.

LABEL, IN PART: (Package) "Snow Man Brand Haddock (Skins On) Fresh Frozen Fillets \* \* \* 1 Lb. Net Wt. Distributed by Frosty Foods Co. New York 17, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 28, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

**21267. Adulteration of canned salmon.** U. S. v. 75 Cases, etc. (F. D. C. No. 35920. Sample Nos. 64292-L, 64293-L.)

LIBEL FILED: October 12, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about August 8, 1953, by the Seldovia Bay Packing Co., from Seldovia, Alaska.

PRODUCT: 75 cases, each containing 48 1-pound cans, of silver salmon, and 214 cases, each containing 48 1-pound cans, of red salmon at Anacortes, Wash.

LABEL, IN PART: (Case) "Canned Salmon Our Greatest Food From the Sea."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

**21268. Misbranding of canned pink salmon.** U. S. v. Hamlin-Halferty Seafoods, Inc., and Guy P. Halferty, Jr. Pleas of guilty. Fine of \$300 against corporation and \$600 against individual. (F. D. C. No. 35792. Sample Nos. 59278-L, 59280-L, 59454-L.)

INFORMATION FILED: March 24, 1954, Western District of Washington, against Hamlin-Halferty Seafoods, Inc., Seattle, Wash., and Guy P. Halferty, Jr., president of the corporation.

ALLEGED SHIPMENT: On or about March 12 and 13, 1953, from the State of Washington into the States of North Carolina and Georgia.

LABEL, IN PART: (Can) "Silver Bay Brand Pink Salmon Contents One Pound" or "Ocean Tang Brand Pink Salmon Contents One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pink Salmon" was false and misleading since the statement represented and sug-

gested that the article was pink salmon, whereas it was not pink salmon. (Examination showed that the article was chum salmon.)

**DISPOSITION:** May 27, 1954. Pleas of guilty having been entered, the court fined the corporation \$300 and the individual \$600.

**21269. Misbranding of canned salmon.** U. S. v. 130 Cases \* \* \*. (F. D. C. No. 36271. Sample No. 64529-L.)

**LIBLE FILED:** January 11, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 17, 1953, by the Emard Packing Co., from Anchorage, Alaska.

**PRODUCT:** 130 cases, each containing 48 cans, of salmon at Seattle, Wash. Examination showed that the product consisted of small pieces of red salmon from the tail or gill sections of fish.

**LABEL, IN PART:** (Can) "Contents One Pound Whitney's Brand Tid-Bits Alaska Red Sockeye Salmon Distributed By Whitney & Company, Seattle, Washington"; (case) "48 Talls Whitney's Tid-Bits."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Tid-Bits" was false and misleading as applied to the article, which consisted of tail and gill sections only.

**DISPOSITION:** January 27, 1954. Whitney & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**21270. Adulteration of canned sardines.** U. S. v. 45 Cases, etc. (F. D. C. No. 35934. Sample Nos. 61573-L, 61574-L, 82101-L, 82102-L.)

**LIBLE FILED:** On or about October 30, 1953, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 30 and August 3 and 5, 1953, from Gloucester, Mass.

**PRODUCT:** 45 cases, each containing 48 15-ounce cans, of sardines packed in mustard sauce, and 239 cases, each containing 48 15-ounce cans, of sardines packed in tomato sauce at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 4, 1954. Default decree of forfeiture and destruction.

**21271. Adulteration of canned tuna.** U. S. v. 10 Cases \* \* \*. (F. D. C. No. 36151. Sample No. 72173-L.)

**LIBLE FILED:** November 24, 1953, District of Columbia.

**ALLEGED SHIPMENT:** August 6, 1953, from Terminal Island, Calif.

**PRODUCT:** 10 cases, each containing 48 7-ounce cans, of tuna at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 30, 1953. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

21272. Adulteration of crabmeat. U. S. v. 174 Cans, etc. (and 1 other seizure action). (F. D. C. Nos. 35858, 35859. Sample Nos. 57791-L, 57792-L, 75051-L, 75052-L.)

LIBELS FILED: On or about October 6, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about October 12, 1953, by Piner's Seafood Co., from Fort Myers, Fla.

PRODUCT: 596 cans of crabmeat at Baltimore, Md.

LABEL, IN PART: "Piner's Seafood Co., Fla. \* \* \* Claw [or "DeLuxe"] Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

DISPOSITION: November 6, 1953. Default decrees of condemnation and destruction.

21273. Adulteration of crabmeat. U. S. v. 3 Boxes \* \* \*. (F. D. C. No. 35874. Sample No. 59198-L.)

LIBEL FILED: On or about November 13, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 30, 1953, by Piner Seafoods, from Fort Myers, Fla.

PRODUCT: 3 boxes, containing approximately 150 1-pound cans, of crabmeat at New York, N. Y.

LABEL, IN PART: (Can) "Piner's Seafood Co. \* \* \* Lump Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance by reason of the presence of *E. coli*.

DISPOSITION: December 9, 1953. Default decree of condemnation and destruction.

21274. Adulteration of crabmeat. U. S. v. 299 Cans, etc. (F. D. C. No. 35867. Sample No. 786-L.)

LIBEL FILED: On or about October 30, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about October 26, 1953, by Daniel's Seafood Co., from Fort Myers, Fla.

PRODUCT: 539 1-pound cans of crabmeat at Baltimore, Md.

LABEL, IN PART: "Daniel's Seafood Co. \* \* \* Backfin [or "Claw"] Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance. (Analysis showed that the article was contaminated with *E. coli* of fecal origin.)

DISPOSITION: November 20, 1953. Default decree of condemnation and destruction.

**21275. Adulteration of crabmeat. U. S. v. 3 Barrels \* \* \*. (F. D. C. No. 35863. Sample No. 59193-L.)**

**LIBEL FILED:** October 21, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 17, 1953, by the Klarer's Seafood Co., from Fernandina, Fla.

**PRODUCT:** 3 barrels, containing a total of 296 cans, of crabmeat at Philadelphia, Pa.

**LABEL, IN PART:** (Cans) "John J. Klarer-Fla. 14 C"; (lid) "Lump [or "Claw" or "Deluxe"] Crabmeat 1 lb. net Fernandina, Fla."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 24, 1954. Default decree of condemnation and destruction.

**21276. Adulteration of crabmeat. U. S. v. 3 Boxes \* \* \*. (F. D. C. No. 35875. Sample No. 59916-L.)**

**LIBEL FILED:** On or about November 4, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 21, 1953, by R. L. Whorton, from Brunswick, Ga.

**PRODUCT:** 3 boxes, containing a total of 247 pounds, of crabmeat in cans at New York, N. Y. Examination showed that the product was contaminated with *E. coli*.

**LABEL, IN PART:** (Can) "R. L. Whorton's Crab Plant \* \* \* All-Lump [or "Select"] Crab Meat 1 lb. Net Brunswick, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 25, 1953. Default decree of condemnation and destruction.

**21277. Adulteration of oysters. U. S. v. 84 Cans \* \* \*. (F. D. C. No. 35924. Sample No. 55955-L.)**

**LIBEL FILED:** October 19, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 15, 1953, by James F. Kambarn, from Chincoteague, Va.

**PRODUCT:** 84 cans of oysters at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** December 7, 1953. Default decree of condemnation. The court ordered that the product be delivered to a local hospital for its use and not for sale.

**21278. Adulteration of frozen shrimp. U. S. v. 228 Cartons \* \* \*. (F. D. C. No. 35998. Sample No. 7816-L.)**

**LIBEL FILED:** December 1, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 29, 1953, by the J. V. J. Sales Co., from Brownsville, Tex.

**PRODUCT:** 228 cartons, each containing 10 packages, of frozen shrimp at Pittsburgh, Pa.

**LABEL, IN PART:** (Package) "Five Pounds Net Weight J. V. J. Brand Frozen Fresh Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** December 21, 1953. The J. V. J. Sales Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration. 180 pounds were found unfit and were destroyed.

**21279. Adulteration of frozen breaded shrimp. U. S. v. 1,397 Cases \* \* \*. (F. D. C. No. 35977. Sample No. 64878-L.)**

**LIBEL FILED:** November 20, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 26, 1953, by Pan-American Foods, from Brownsville, Tex.

**PRODUCT:** 1,397 cases, each containing 12 packages, of frozen breaded shrimp at Minneapolis, Minn.

**RESULTS OF INVESTIGATION:** Investigation of the Booth Fisheries Corp., Brownsville, Tex., showed that insanitary conditions existed which would result in contamination of the article manufactured.

**LABEL, IN PART:** (Package) "Famous Booth Foods Quick Frozen Ready To Fry Breaded Shrimp Net Wt. 10 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 23, 1954. The Booth Fisheries Corp., claimant, having consented to the entry of a decree, but without admitting the shipment of the product in violation of the law, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 573 cases of the product were found to be unfit and were destroyed.

**21280. Adulteration of frozen breaded shrimp. U. S. v. 73 Cartons \* \* \*. (F. D. C. No. 35978. Sample No. 70873-L.)**

**LIBEL FILED:** November 19, 1953, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 23, 1953, by the Booth Fisheries Corp., from Brownsville, Tex.

**PRODUCT:** 73 cartons, each containing 12 packages, of frozen breaded shrimp at Indianapolis, Ind.

**LABEL, IN PART:** (Package) "Famous Booth Foods Quick Frozen Ready To Fry Breaded Shrimp Net Weight 2½ Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 4, 1954. The Booth Fisheries Corp., claimant, having filed an answer admitting the facts alleged in the libel, judgment of forfeiture was entered and the court ordered that the product be destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21281. Adulteration of canned sliced papaya.** U. S. v. 24 Cases \* \* \*. (F. D. C. No. 36339. Sample No. 42166-L.)

**LIBEL FILED:** March 10, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 28, 1954, by the Hawaiian Sun Products, from Honolulu, T. H.

**PRODUCT:** 24 cases, each containing 12 jars, of sliced papaya at San Francisco, Calif.

**LABEL, IN PART:** (Jar) "Granucci's Gold Label Sliced Papaya In Heavy Syrup \* \* \* Net Wt. 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** April 15, 1954. Default decree of condemnation and destruction.

**21282. Misbranding of canned pears.** U. S. v. 70 Cases \* \* \*. (F. D. C. No. 36173. Sample No. 84611-L.)

**LIBEL FILED:** December 10, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 26, 1953, by Jay Lo Foods, from New York, N. Y.

**PRODUCT:** 70 cases, each containing 24 cans, of pears at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Halves Nor-Mont Bartlett Pears Net Weight 1 Lb. \* \* \* W. A. Bauer Co. Distributors Norristown, Pa. Heavy Syrup," "Shamrock Brand In Heavy Syrup Bartlett Pears Contents 1 Lb.," or "Golf Club Brand Bartlett Pears \* \* \* Fancy In Heavy Syrup Contents 1 Pound."

**NATURE OF CHARGE:** Article labeled, in part, "Nor-Mont Bartlett Pears." Misbranding, Section 403 (a), the label statement "W. A. Bauer Co. Distributors Norristown, Pa." was false and misleading since the article was not distributed by that firm; Section 403 (g) (2), the label of the article failed to bear, as required by the definition and standard of identity for canned pears, the name of the optional packing medium present in the article, namely, light sirup; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned pears since the article was in containers of 10 or more units and more than 10 percent of the units were broken, and the label failed to bear a statement that the article fell below such standard.

Article labeled, in part, "Golf Club Brand" and "Shamrock Brand." Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required

by the definition and standard of identity for canned pears, the name of the optional pear ingredient present in the article, namely, halves.

**DISPOSITION:** January 18, 1954. Morris Factor, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

### DRIED FRUIT

**21283. Adulteration of dried unpitted dates.** U. S. v. 11 Boxes \* \* \*. (F. D. C. No. 36694. Sample No. 83603-L.)

**LIBLE FILED:** March 23, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** During the summer of 1953, from Grand Forks, N. Dak.

**PRODUCT:** 11 15-pound boxes of dried unpitted dates at Thief River Falls, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 23, 1954. A default decree was entered providing for the destruction of the article unless denatured for use as animal feed.

**21284. Adulteration of raisins.** U. S. v. 50 Cartons \* \* \*. (F. D. C. No. 36400. Sample No. 43609-L.)

**LIBLE FILED:** On or about March 1, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 15, 1954, by the California Packing Corp., from San Francisco, Calif.

**PRODUCT:** 50 cartons of raisins at New York, N. Y.

**LABEL, IN PART:** (Carton) "30# Net Star and Crescent Brand Extra Fancy Bleached Thompson Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

**DISPOSITION:** May 11, 1954. Default decree of condemnation and destruction.

**21285. Adulteration of raisins.** U. S. v. 199 Cases \* \* \*. (F. D. C. No. 36182. Sample No. 42125-L.)

**LIBLE FILED:** On or about December 9, 1953, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 2, 1953, by the Sun-Maid Raisin Growers of California, from Fresno, Calif.

**PRODUCT:** 199 cases, each containing 48 packages, of raisins at Baltimore, Md.

**LABEL, IN PART:** (Package) "Net Wt. 15 Oz. Sun-Maid Raisins Puffed Seeded Muscats."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 5, 1954. Default decree of condemnation and destruction.

**FROZEN FRUIT**

**21286. Adulteration of frozen strawberries. U. S. v. Frigid Food Products, Inc.**  
Plea of guilty. Fine of \$6,500, plus costs. (F. D. C. No. 35123. Sample No. 29918-L.)

**INFORMATION FILED:** August 21, 1953, Western District of Washington, against Frigid Food Products, Inc., Mount Vernon, Wash.

**ALLEGED SHIPMENT:** On or about August 7, 1952, from the State of Washington into the State of Michigan.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed strawberry material.

**DISPOSITION:** May 25, 1954. The defendant having entered a plea of guilty, the court fined it \$6,500, plus costs.

**VEGETABLES AND VEGETABLE PRODUCTS**

**21287. Adulteration of canned corn. U. S. v. 85 Cases \* \* \*. (F. D. C. No. 36700. Sample No. 72423-L.)**

**LIBEL FILED:** On or about March 30, 1954, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about September 21, 1953, by the Crites Milling Co., from Circleville, Ohio.

**PRODUCT:** 85 cases, each containing 24 cans, of corn at Bluefield, W. Va.

**LABEL, IN PART:** (Can) "Crites Best Cream Style Golden Sweet Corn \* \* \* Contents 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments.

**DISPOSITION:** April 21, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21288. Adulteration of canned corn. U. S. v. 76 Cases \* \* \*. (F. D. C. No. 36713. Sample No. 72677-L.)**

**LIBEL FILED:** On or about April 16, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about September 23, 1953, by the Crites Milling Co., from Ashville, Ohio.

**PRODUCT:** 76 cases, each containing 24 cans, of corn at Lynchburg, Va.

**LABEL, IN PART:** (Can) "Sweet Home Cream Style Golden Sweet Corn \* \* \* Contents 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and rodent excreta.

**DISPOSITION:** May 1, 1954. The shipper of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a public institution, for use other than for human consumption.

**21289. Adulteration of canned corn.** U. S. v. 47 Cases \* \* \*. (F. D. C. No. 36703. Sample No. 79390-L.)

**LIBEL FILED:** On or about April 8, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about September 3, 1953, by the Crites Milling Co., from Circleville, Ohio.

**PRODUCT:** 47 cases, each containing 24 1-pound cans, of corn at St. Paul, Va.

**LABEL, IN PART:** (Can) "Crites Best Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs.

**DISPOSITION:** May 7, 1954. Default decree of condemnation, The court ordered that the product be delivered to a State institution, for use other than for human consumption.

**21290. Adulteration of canned sweetpotatoes.** U. S. v. Phillips Packing Co., Inc. Plea of guilty. Fine of \$800, plus costs. (F. D. C. No. 35822. Sample Nos. 37315-L, 37321-L.)

**INFORMATION FILED:** May 18, 1954, District of Maryland, against Phillips Packing Co., Inc., Cambridge, Md.

**ALLEGED SHIPMENT:** On or about February 17, 1953, from the State of Maryland into the State of New York.

**LABEL, IN PART:** (Can) "Krasdale Tiny Whole Sweet Potatoes Packed In Heavy Syrup Contents 8½ Oz. Avoir. Krasdale Foods Inc. New York, N. Y. Distributors."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of portions of 3 human fingers.

**DISPOSITION:** June 18, 1954. The defendant having entered a plea of guilty, the court fined it \$800, plus costs.

**21291. Adulteration of canned sauerkraut.** U. S. v. 138 Cases \* \* \*. (F. D. C. No. 36292. Sample No. 70889-L.)

**LIBEL FILED:** On or about March 1, 1954, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about November 20, 1953, by the Murray Dailey Co., from Albion, N. Y.

**PRODUCT:** 138 cases, each containing 24 cans, of sauerkraut at Indianapolis, Ind.

**LABEL, IN PART:** (Can) "A & P Sauerkraut \* \* \* Net Wt. 1 Lb. 11 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 6, 1954. Default decree of forfeiture and destruction.

### TOMATOES AND TOMATO PRODUCTS

**21292. Adulteration of canned tomatoes.** U. S. v. 550 Cases \* \* \*. (F. D. C. No. 35913. Sample No. 55694-L.)

**LIBEL FILED:** October 8, 1953, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 17, 1953, by Thomas Roberts & Co., from Preston, Md.

**PRODUCT:** 550 cases, each containing 24 cans, of tomatoes at Malone, N. Y.

**LABEL, IN PART:** (Can) "Much-More Brand Net Weight 1 Lb. Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** June 5, 1954. Default decree of condemnation and destruction.

**21293. Adulteration of canned tomatoes. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 36435. Sample Nos. 72654-L, 72662-L.)**

**LIBEL FILED:** On or about March 11, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about November 9, 1953, by the Winorr Canning Co., from Circleville, Ohio.

**PRODUCT:** 16 cases, each containing 24 cans, of tomatoes at Bedford, Va.

**LABEL, IN PART:** (Can) "Plee-Zing Tomatoes \* \* \* Net Weight 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 19, 1954. The shipper and the consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution, for use other than for human consumption.

**21294. Adulteration of tomato juice. U. S. v. Brunson Canning Co., Inc., and Doyle Brunson. Pleas of guilty. Fine of \$150 against each defendant, plus costs. (F. D. C. No. 35137. Sample No. 4606-L.)**

**INFORMATION FILED:** September 12, 1953, Southern District of Indiana, against Brunson Canning Co., Inc., Alexandria, Ind., and Doyle Brunson, president of the corporation.

**ALLEGED SHIPMENT:** On or about September 7, 1952, from the State of Indiana into the State of Kentucky.

**LABEL, IN PART:** (Can) "Teen Queen Contents 1 Qt. 14 Fl. Ozs. Tomato Juice Distributed By The Creasey Company General Offices Louisville, Kentucky."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 11, 1954. The defendants having entered pleas of guilty, the court imposed a fine of \$150 against each defendant, plus costs.

## NUTS AND NUT PRODUCTS

**21295. Adulteration of unshelled almonds. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 36691. Sample No. 88515-L.)**

**LIBEL FILED:** March 17, 1954, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 26, 1953, from Chico, Calif., by the Continental Nut Co.

**PRODUCT:** 40 bags of unshelled almonds at Sioux City, Iowa.

**LABEL, IN PART:** "Blue Ribbon Brand California Almonds Variety IXL \* \* \* 25 Lbs. Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and it was otherwise unfit for food by reason of the presence of gummy nuts.

**DISPOSITION:** May 1, 1954. The Continental Nut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 47 pounds of the product were found unfit and were destroyed.

**21296. Adulteration of pecan meats. U. S. v. 13 Cartons \* \* \*. (F. D. C. No. 36711. Sample No. 86292-L.)**

**LIBEL FILED:** April 8, 1954, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 1, 1954, by the Orangeburg Pecan Co., from Orangeburg, S. C.

**PRODUCT:** 13 30-pound cartons of pecan meats at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 13, 1954. Default decree of condemnation and destruction.

**21297. Adulteration of whole coconuts. U. S. v. 227 Bags, etc. (F. D. C. No. 36696. Sample Nos. 74186-L, 74187-L.)**

**LIBEL FILED:** March 22, 1954, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 7 and 22, 1954, from San Juan, P. R.

**PRODUCT:** 1,000 bags, each containing 75 pounds, of whole coconuts at Wilmington, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid and moldy coconuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 13, 1954. Default decree of condemnation and destruction.

**21298. Adulteration of peanut butter. U. S. v. 21 Cases, etc. (F. D. C. No. 36337. Sample Nos. 63834-L, 63835-L.)**

**LIBEL FILED:** March 1, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 21, 1954, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

**PRODUCT:** 21 cases, each containing 24 11-ounce jars, and 21 cases, each containing 12 24-ounce jars, of peanut butter at Benton, Ill.

**LABEL, IN PART:** (Jar) "Goody-Goody Peanut Butter \* \* \* Packed By Goody-Goody Products Co. Indianapolis, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 24, 1954. Default decree of condemnation and destruction.

## POULTRY

**21299. Adulteration of dressed poultry.** U. S. v. Maplewood Packing Co. and Carl Mendelson. Pleas of guilty. Fine of \$2,250 against company and \$500 against individual. (F. D. C. No. 35743. Sample No. 45574-L.)

**INFORMATION FILED:** November 12, 1953, District of Maine, against the Maplewood Packing Co., a corporation, Belfast, Maine, and Carl Mendelson, general manager of the corporation.

**ALLEGED SHIPMENT:** On or about August 6, 1953, from the State of Maine into the State of Massachusetts.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of dirty poultry and poultry contaminated with crop material, and it was otherwise unfit for food by reason of the presence of extensively bruised poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** May 6, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$2,250 and the individual \$500.

**21300. Adulteration of dressed poultry.** U. S. v. 1,048 Pounds \* \* \*. (F. D. C. No. 36515. Sample No. 51947-L.)

**LIBEL FILED:** On or about April 23, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 1954, by Vermont Poultry Outlet, Inc., from South Royalton, Vt.

**PRODUCT:** 1,048 pounds of dressed poultry in 15 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

**DISPOSITION:** May 14, 1954. Default decree of condemnation and destruction.

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# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

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### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21301-21350

**FOODS**

*Library*

*U. S. Dept. Agriculture  
Washington, D. C.*

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., March 21, 1955.

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**BEVERAGES AND BEVERAGE MATERIALS\***

**21301. Adulteration and misbranding of distilled spirits. U. S. v. 1,800.2625 Wine Gallons \* \* \*. Government's motion for summary judgment granted. Decree of condemnation.** (F. D. C. No. 35372. Sample No. 82091-L.)

**LIBEL FILED:** August 7, 1953, Western District of Missouri; amended libel filed on or about October 6, 1953.

**ALLEGED SHIPMENT:** Prior to July 13, 1951, by various shippers from outside the State of Missouri.

**PRODUCT:** 1,800.2625 wine gallons of distilled spirits at Kansas City, Mo. The products consisted of whisky, rum, gin, brandy, and liqueurs packaged in bottles. Some of the bottles had illegible labels, and some had no labels. The products had been involved in a flood which occurred at Kansas City, Mo., and had been submerged in flood waters.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (1) and (2), some of the bottles of the articles failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), some of the labels of the articles failed to bear the common or usual names of the articles.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** John Patrick Goulding filed an answer claiming that the distilled spirits were not held for sale or offered for sale after July 13, 1951, and that, therefore, the Federal Food, Drug, and Cosmetic Act was not applicable to the distilled spirits. Interrogatories were served by the Government and the claimant upon each other and subsequently were answered. The Government then filed a motion for summary judgment, and on January 11, 1954, after consideration of the briefs of counsel, the court handed down the following opinion sustaining the Government's motion:

*RIDGE, District Judge:* "When the catastrophic flood of July 13, 1951, descended on Kansas City, Missouri, claimant herein, John Patrick Goulding, was the owner of 2613.60 wine gallons of wine and champagne; and 1,800.2625 wine gallons of distilled spirits which were then stored and held for sale in the Last Chance Tavern and Shawnee Club, both of which places were engulfed by that deluge. Federal Retail Liquor Dealer's Special Tax Stamps had been issued, covering each of said premises. At approximately 11:00 A. M., on the above date, the aforesaid wines and distilled spirits were inundated by impure and unsanitary flood waters so that they were 'held (for several days) under unsanitary conditions whereby (they) may have become contaminated with filth, or whereby (they) may have been rendered injurious to health,' within the ambit of Section 402 of the Federal Food, Drug and Cosmetic Act. (*T. 21, U. S. C. A., 342 [402] (a) (4).*) Sometime after the flood waters subsided, claimant, after having the cases and bottles containing the wine and distilled spirits washed with water from a hose, had them removed to residences located at 3437 Coleman Road and 3328 Karnes Boulevard, in Kansas City, Missouri. Tax stamps and other insignia on the bottles containing such liquors, had, as a consequence of the flood and washing, supra, become mutilated, torn and separated from the bottles, so that they were either wholly or partially misbranded within the meaning of Section 403 of the Act. Thereafter, claimant had the aforesaid wine delivered to the Mid-Continent

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\*See also No. 21339.

Distributing Company, Inc., in Kansas City, Missouri, where it was re-bottled, re-labeled and new stamps affixed thereto for the purpose of offering it for sale. Later, said wine was held and offered for sale at 1921 Main Street, in Kansas City, Missouri. The distilled spirits remained at the aforesaid places on Coleman Road and Karnes Boulevard.

"April 8, 1953, the instant libel action was filed, seeking to condemn and forfeit both the wine and distilled spirits, in that the floor stock tax imposed thereon by the Internal Revenue Act of 1951, had not been paid, the Government contending that both the wine and distilled spirits were then subject to the tax, being held for resale, and failure to pay such tax was an attempt to defraud the United States. Cf. Title 26, U. S. C. A., 3321, 3116, 3723, 2800, 3030 and 3195, as amended by Revenue Act of 1951. By stipulation of the parties, dated the same day, the Court entered an order whereby the wine aforesaid was declared forfeited and ordered destroyed. The distilled spirits were ordered returned to claimant. The premise of such order being that the wine in question had, in fact, been offered for sale, without first having the floor stock tax paid thereon; whereas the distilled spirits had not been so offered on or after November 1, 1951.

"Before delivery of said distilled spirits to claimant was effected, an amended libel was filed, upon complaint of the Food and Drug Administration, seeking order of condemnation and forfeiture of the distilled spirits, pursuant to section 304 (a) of the Federal Food, Drug and Cosmetic Act, under claim of adulteration and misbranding, within the meaning of Sections 402 (a) (4) and 403 (a) of the Act, as aforesaid. (21 U. S. C. A., 334 (a); 342 (a) (4); 343 (a).)

"The matters now before the Court are: (1) claimant's contention, raised by amended answer to the amended complaint, that from and after July 13, 1951, the distilled spirits in question were not held for sale, or offered for sale, by claimant, or any other person, but were stored at his 'own residence for safe keeping and for no other purpose'; hence claimant says the above sections of the Federal Food, Drug and Cosmetic Act are not applicable to his distilled spirits and no claim is established under the agreed facts which would permit the granting of any relief as here prayed; and (2) plaintiff's motion for summary judgment. As to the latter, it is conceded that, no facts being in dispute between the parties, if plaintiff's contention, supra, is not sustained, then the latter motion should be granted. Accordingly, the parties are in agreement that a disposition of the above matters wholly depends upon a determination of whether 'the distilled spirits mentioned in (the amended libel) were held for sale while, or after having become, adulterated or misbranded \* \* \* notwithstanding that on the date of seizure such spirits may have been held under unsanitary conditions whereby it may have become contaminated with filth,' and 'some of the labels, stamps and other insignia on the bottles containing the distilled spirits were lost, soiled, dirty, torn and misshapen, which would require relabeling, if they were to again be offered for sale.'

"'This is a horse that is easily curried.' When the flood waters submerged claimant's taverns and the liquor in question was inundated, there can be no question but that the distilled spirits were then 'held for sale.' Claimant's assertion to the contrary cannot be sustained. It is claimant's theory that because the aforesaid taverns were closed 'about 9:00 A. M. on July 13, 1951,' and that no sales or offers of sale of the distilled spirits in question were made or attempted after that date, to January 23, 1953, the date of the seizure thereof by the Alcohol Tax Unit, it is conclusively established that the adulteration and misbranding here claimed did not and could not have occurred at any time while such spirituous liquor 'was held for sale.' Therefore, claimant says, the subject-matter of the instant libel is not within the purview of the foregoing sections of the Federal Food, Drug and Cosmetic Act, and this Court has no jurisdiction to declare a forfeiture thereof.

"When claimant's taverns were closed, there is no contention made that claimant then intended voluntarily to cease business, abandon the spirituous liquor in question, or that he then determined to thereafter hold the same for personal consumption. The taverns were closed because of the imminence of their subjection to flood-waters. The inference is that if those premises and the liquor were not subjected to flood-waters the taverns would be reopened and the liquor in question sold in the usual course of business. Federal Re-

tailer Liquor Tax Stamps were then outstanding covering the premises in question. At all times while the liquor remained at such premises, it was 'held' at a place where it could be legally sold, but for its adulteration and misbranding. How long the distilled spirits in question remained at those locations after the flood subsided is not clearly established. However, from the widespread devastation of that national calamity, the Court can take judicial notice that it was several days after subsidation of the flood before there was any appreciable evacuation of goods from the area of destruction. From the agreed statement of facts, the only conclusion to be reached is that from the time the flood-waters descended until the liquor was removed from the above premises they became and were adulterated and misbranded within the meaning of the Federal Food, Drug and Cosmetic Act, supra, while being 'held for sale.' The removal of such liquor from the premises where it was so held, after its adulteration and misbranding, did not withdraw such liquor from the ambit of that Act. 'The purpose of the Act is to safeguard the consumer by applying its requirements to articles from the moment of their introduction into interstate commerce, all the way to the moment of their delivery to the ultimate consumer, and the act embraces misbranding (and adulteration) while held for sale after shipment in interstate commerce.' *United States v. 4 Devices, etc.*, (C. A. 10) 176 F. (2d) 652. Hence, the moment adulteration or misbranding occurs of an article which is subject to the Federal Food, Drug and Cosmetic Act, the Act becomes applicable thereto, to the end that the declared purpose of the Act be carried out, that is, that the ultimate consumer be thereafter protected therefrom. We believe such protection is afforded, whether the article is thereafter sold or given away. When adulteration or misbranding occurs within the meaning of the Act, then an article is immediately subject to forfeiture, and we do not believe that there can be any further or subsequent movement of the article on its way to an ultimate consumer, that would not be in violation of the Act. Cf. *United States v. Sullivan*, 332 U. S. 689; *Berger v. United States*, 200 F. (2d) 818; *United States v. Kocmond*, 200 F. (2d) 370. Section 301 (c) makes it unlawful to effect 'the delivery or proffered delivery' of an article that has become 'adulterated or misbranded' within the meaning of the Act, whether 'for pay or otherwise.' Hence, it is not the holding for sale of an article subsequent to adulteration or misbranding that gives rise to the right of the Government to have a forfeiture thereof declared under Section 304 (a) of the Act. (21 U. S. C. A. 334 (a).) It is the fact of adulteration or misbranding of the article 'while held for sale (whether or not the first sale) after shipment in interstate commerce.' Clearly, under the agreed and undisputed facts, the intoxicating liquor in question became adulterated and misbranded 'while held for sale.'

"Plaintiff's motion for summary judgment is by the Court sustained. Counsel prepare judgment entry accordingly. IT IS SO ORDERED."

Pursuant to the above opinion, the court, on January 18, 1954, entered a decree of condemnation against the distilled spirits and ordered that they be released under bond to be brought into compliance with the law. On February 19, 1954, the court entered an order for their destruction.

**21302. Adulteration of green coffee. U. S. v. 249 Bags, etc. (F. D. C. No. 36391.  
Sample No. 75350-L.)**

LIBEL FILED: February 15, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: From a foreign country, prior to February 1944.

PRODUCT: Green Coffee. 249 bags, each containing 132 pounds, and 1 bag containing 66 pounds at Norfolk, Va., in possession of Southgate Storage Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 9, 1954. J. Aron & Co., Inc., New York, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was examined, with the result that 2,922 pounds were found unfit and were destroyed.

**21303. Adulteration of green coffee. U. S. v. 36 Bags \* \* \*. (F. D. C. No. 35942. Sample No. 55919-L.)**

**LIBLE FILED:** October 29, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 2, 1951, from Orlando, Fla.

**PRODUCT:** 36 150-pound bags of green coffee at Latrobe, Pa., in possession of the Dilworth Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 19, 1954. The Dilworth Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion from the good portion under the supervision of the Food and Drug Administration. As a result of the segregation operations, 375 pounds of the product were found unfit and were destroyed.

## CANDY AND SIRUP

### CANDY

**21304. Adulteration of candy. U. S. v. Charms Co. Plea of guilty. Fine, \$250. (F. D. C. No. 35804. Sample No. 59496-L.)**

**INFORMATION FILED:** March 30, 1954, District of New Jersey, against the Charms Co., a corporation, Bloomfield, N. J.

**ALLEGED SHIPMENT:** On or about October 23, 1953, from the State of New Jersey into the State of Georgia.

**LABEL, IN PART:** (Box) "They're Pure! Charms Each Candy Wrapped"; (labels attached to product) "Coffee Charms Net Weight 1 Ounce."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, threads, wood splinters, hairs, bristles, and paint fragments; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 10, 1954. The defendant having entered a plea of guilty, the court imposed a fine of \$250.

**21305. Adulteration of chocolate-covered raisins. U. S. v. 1,669 Cartons \* \* \*. (F. D. C. No. 36317. Sample No. 48165-L.)**

**LIBLE FILED:** February 10, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about December 1, 1953, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

PRODUCT: 1,669 cartons, each containing 24 boxes, of chocolate-covered raisins at New Orleans, La.

LABEL, IN PART: (Box) "B-B Milk Chocolate Covered Raisinets \* \* \* Net Wt. 1 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 19, 1954. Default decree of condemnation and destruction.

### SIRUP

21306. Adulteration and misbranding of sorghum sirup. U. S. v. Hobson Norris, George M. Dawson, and Glenn Dawson. Pleas of not guilty. Tried to the jury. Verdicts of guilty. Hobson Norris fined \$1,000 and placed on probation for 5 years; George M. Dawson and Glenn Dawson each fined \$250, given a sentence of 90 days in jail to be served and a sentence of 90 days in jail which was suspended, and placed on probation for 5 years. (F. D. C. No. 35153. Sample Nos. 53155-L, 53157-L.)

INFORMATION FILED: September 18, 1953, Western District of Louisiana, against Hobson Norris, doing business at West Monroe, La., and George M. Dawson and Glenn Dawson, doing business at Joplin, Mo.

ALLEGED SHIPMENT: On or about September 21 and 24, 1952, from the State of Louisiana into the States of Arkansas and Missouri.

LABEL, IN PART: (Can) "Sorghum Made For and Guaranteed By M. Dawson & Son, Springdale, Arkansas Liquid Contents: 1 quart, 12 Ozs. or over Made From Sorghum Grain and Cane Juice Citric Acid Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting of a mixture of glucose and sugar sirup with little or no sorghum had been substituted for sorghum.

Misbranding, Section 403 (a) the label statement "Sorghum" was false and misleading since the statement represented and suggested that the article consisted entirely of sorghum, whereas the article consisted of a mixture of glucose and sugar sirup with little or no sorghum; Section 403 (b), the article was offered for sale under the name of another food, namely, sorghum; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court and jury on April 15, 1954. The trial was concluded on April 16, 1954, with the return by the jury of verdicts of guilty.

On May 5, 1954, the court fined Hobson Norris \$1,000 and placed him on probation for 5 years. The court fined also George M. Dawson and Glenn Dawson \$250 each, imposed a sentence against these individuals of 90 days in jail to be served and a sentence of 90 days in jail which was suspended, and placed such individuals on probation for 5 years.

**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**21307. Adulteration of bakery products.** U. S. v. Handy Baking Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 35764. Sample Nos. 8269-L, 55903-L to 55905-L, incl.)

**INFORMATION FILED:** January 11, 1954, Northern District of Ohio, against the Handy Baking Co., a corporation, Cuyahoga Falls, Ohio.

**ALLEGED SHIPMENT:** On or about December 8, 1952, and August 21, 1953, from the State of Ohio into the State of Pennsylvania, of a number of cellophane wrapped trays containing rolls, cakes, and tea rings.

**LABEL, IN PART:** (Tray) "Handy's Pastries Again"; (wrapper) "Handy's Orange Pineapple [or "Datenut Coffee Cake," "Tea Ring," or "Honey Nut Rolls"]."'

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, insects, insect fragments, and feather barbules; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** January 22, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$1,000.

**21308. Adulteration of bread.** U. S. v. O. K. Bakery. Plea of guilty. Fine, \$1,000. (F. D. C. No. 35747. Sample Nos. 70706-L, 70711-L.)

**INFORMATION FILED:** December 28, 1953, Southern District of Ohio, against the O. K. Bakery, a partnership, Steubenville, Ohio.

**ALLEGED SHIPMENT:** On or about July 15 and 16, 1953, from the State of Ohio into the State of West Virginia.

**LABEL, IN PART:** (Wrapper) "Vienna Brand O. K. Bakery."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and larval head capsules; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 5, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000.

**21309. Adulteration of graham crackers, soda crackers, and cookies.** U. S. v. Salem Commodities, Inc. (Guthrie Biscuit Co.), and George L. Babb. Pleas of nolo contendere. Fine of \$400, plus costs, against each defendant. (F. D. C. No. 35750. Sample Nos. 61486-L, 61489-L, 61490-L, 82097-L.)

**INFORMATION FILED:** January 5, 1954, Western District of Missouri, against Salem Commodities, Inc., trading as Guthrie Biscuit Co., Joplin, Mo., and George L. Babb, general manager of the Joplin plant of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of July 24, and August 6, 1953, from the State of Missouri into the States of Oklahoma and Kansas.

**LABEL, IN PART:** (Box) "Pirates' Gold Graham Crackers," "Jane Arden Coconut Bar [or "Puffs"] Cookies," and "Busy Baker Soda Crackers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, feather barbules, moth scales, and moth larvae; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 21, 1954. The defendants having entered pleas of nolo contendere, the court fined each defendant \$400, plus costs.

## FLOUR

**Nos. 21310 to 21312** report actions involving flour that was insect- or rodent-infested, or both. The flour reported in **No. 21313** failed to meet the standard for enriched flour.

**21310. Adulteration of flour.** U. S. v. 84 Bags \* \* \*. (F. D. C. No. 35717. Sample No. 59398-L.)

**LIBEL FILED:** October 15, 1953, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about June 4 and July 9 and 24, 1953, from Springfield, Ill.

**PRODUCT:** 84 100-pound bags of flour at Charleston, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 2, 1954. Thomas & Howard Co., Charleston, S. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of denaturing and converting it into animal feed, under the supervision of the Department of Health, Education, and Welfare.

**21311. Adulteration of flour, cornmeal, oats, macaroni, and spaghetti with tomato sauce and cheese.** U. S. v. 30 Bags, etc. (and 4 other seizure actions). (F. D. C. No. 36385. Sample Nos. 82084-L to 82087-L, incl., 82089-L, 82090-L, 82191-L, 82194-L.)

**LIBELS FILED:** February 10, 1954, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** The spaghetti with tomato sauce and cheese was shipped about 6 to 10 years before the libel was filed, and the other products were shipped on or about March 7, 1950, March 9, 1951, July 24, 1952, and February 2 and 3, April 4 and 28, and June 1, 1953, from Abilene and Wichita, Kans., Southwest City and St. Joseph, Mo., and Fort Worth, Tex.

**PRODUCT:** 30 10-pound bags, 12 25-pound bags, and 76 50-pound bags of flour; 340 pounds in 6 bags, and 15 bags, each bag containing 10 pounds, of cornmeal; 13 cases, each containing 12 3-pound cartons, of oats; 4 cases, each containing 24 1-pound bags, and 6 cases, each containing 24 2-pound cartons, of macaroni; and 32 cases, each containing 24 1-pound, 1-ounce jars, of spaghetti with tomato sauce and cheese, at Vinita, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the spaghetti with tomato sauce and cheese consisted in whole or in part of a decomposed substance, and the other articles consisted in whole or in part of a filthy substance by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 12, 1954. Default decree of condemnation and destruction.

**21312. Adulteration of flour and doughnut mix. U. S. v. 32 Bags, etc. (F. D. C. No. 36020. Sample Nos. 59400-L to 59402-L, incl.)**

**LIBEL FILED:** November 17, 1953, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about June 16 and July 24, 1953, from Springfield, Ill.

**PRODUCT:** 38 100-pound bags of flour and 14 100-pound bags of doughnut mix at Conway, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 2, 1954. The Carolina Wholesale Co., Conway, S. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for denaturing and converting into animal feed, under the supervision of the Department of Health, Education, and Welfare.

**21313. Adulteration and misbranding of enriched flour. U. S. v. Virgil H. Burchett (Pembroke Roller Mills). Plea of guilty. Fine of \$1,500, plus costs. (F. D. C. No. 35754. Sample No. 70617-L.)**

**INFORMATION FILED:** December 15, 1953, Western District of Kentucky, against Virgil H. Burchett, trading as Pembroke Roller Mills, Pembroke, Ky.

**ALLEGED SHIPMENT:** On or about June 2, 1953, from the State of Kentucky into the State of Tennessee.

**LABEL, IN PART:** (Bag) "Enriched \* \* \* Bleached Calcium Phosphate Added Pembroke Roller Mills Fancy Patent Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, iron, and niacin, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statement "8 ounces of this Enriched Flour contain not less than the following proportions of the minimum daily requirements of Vitamin B<sub>1</sub> 100%, Riboflavin 30%, Iron 65% \* \* \* and 8 mgs. of Niacin" was false and misleading since 8 ounces of the article contained less than such proportions of the minimum daily requirements of the body for vitamin B<sub>1</sub>, riboflavin, and iron, and less than 8 milligrams of niacin.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained, per pound, less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), less than 1.2 milligrams of riboflavin, less than 13.0 milligrams of iron, and less than 16.0 milligrams of niacin.

**DISPOSITION:** April 20, 1954. The defendant having entered a plea of guilty, the court imposed a fine of \$1,500, plus costs.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**21314. Adulteration of rice. U. S. v. 57 Bags \* \* \*. (F. D. C. No. 35701. Sample No. 59397-L.)**

**LIBEL FILED:** October 9, 1953, Southern District of Georgia.

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\*See also Nos. 21311, 21312.

ALLEGED SHIPMENT: On or about July 7, 1953, from Stuttgart, Ark.

PRODUCT: 57 100-pound bags of rice at Augusta, Ga., in possession of Harry M. Carpenter & Sons.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 16, 1954. Harry M. Carpenter & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing or destruction of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. 45 bags of the product were found unfit and were denatured for use as hog feed.

**21315. Adulteration of rice. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 36153. Sample No. 51164-L.)**

LIBEL FILED: December 11, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 11, 1953, from Eunice, La.

PRODUCT: 18 100-pound bags of rice at Hempstead, L. I., N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 11, 1954. Default decree of condemnation and destruction.

**21316. Adulteration of rice. U. S. v. 7 Bags \* \* \*. (F. D. C. No. 35996. Sample No. 64684-L.)**

LIBEL FILED: December 1, 1953, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 28, 1953, from Sacramento, Calif.

PRODUCT: 7 100-pound bags of rice at Yakima, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: The Yakima Grocery Co. appeared as claimant and thereafter, without authorization, subjected the product to a cleaning process which removed the insect filth. On March 9, 1954, following the cleaning operations, judgment of condemnation was entered and the court ordered that the product be released to the claimant.

**21317. Adulteration of brownie mix, blueberry muffin mix, and whole grain oats.  
U. S. v. 10 Cases, etc. (F. D. C. No. 36139. Sample Nos. 84612-L to  
84614-L, incl.)**

LIBEL FILED: December 10, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From Chicago, Ill., and New York, N. Y., on an unknown date.

PRODUCT: 10 cases, each containing 24 12-ounce packages, of brownie mix; 15 cases, each containing 24 12-ounce packages, and 22 cases, each containing 12 12-ounce packages, of blueberry muffin mix; and 5 cases, each containing 12 2-pound packages, of whole grain oats, at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 10, 1954. Default decree of condemnation and destruction.

## DAIRY PRODUCTS

### BUTTER

21318. Adulteration of butter. U. S. v. 5 Cartons (320 pounds) \* \* \*. (F. D. C. No. 35854. Sample No. 45578-L.)

LIBEL FILED: October 1, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 11, 1953, by the Fairmont Foods Co., from Omaha, Nebr.

PRODUCT: 5 64-pound cartons of butter at Worcester, Mass. Examination showed that the article was made from filthy cream and was contaminated with insect and manure filth.

LABEL, IN PART: "Fairmont Sweet Butter \* \* \* Packed By Fairmont Foods Co. Omaha Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: January 18, 1954. Default decree of condemnation and destruction.

21319. Adulteration of butter. U. S. v. 83 Boxes (4,980 pounds) \* \* \*. (F. D. C. No. 35888. Sample No. 84078-L.)

LIBEL FILED: December 4, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 18, 1953, by the John Wuethrich Creamery Co., from Greenwood, Wis.

PRODUCT: 83 60-pound boxes of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 25, 1954. Fox DeLuxe Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Department of Health, Education, and Welfare.

### CHEESE

21320. Misbranding of cheddar cheese. U. S. v. Minerva Dairy, Inc., and Delbert L. Mueller. Pleas of guilty. Fine of \$200 against each defendant. (F. D. C. No. 35794. Sample Nos. 55861-L, 55864-L.)

INFORMATION FILED: March 1, 1954, Northern District of Ohio, against Minerva Dairy, Inc., Minerva, Ohio, and Delbert L. Mueller, vice president and plant manager of the corporation.

**ALLEGED SHIPMENT:** On or about June 16, 1953, from the State of Ohio into the State of Pennsylvania.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Pasteurized" was false and misleading since such statement represented and suggested that the article was made from pasteurized milk, whereas it was not made from pasteurized milk.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cheddar cheese since it contained more than 39 percent of moisture and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** March 12, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$200.

**21321. Adulteration of cheddar cheese. U. S. v. 21 Cheeses \* \* \*. (F. D. C. No. 35991. Sample No. 19738-L.)**

**LIBEL FILED:** November 25, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 14, 1953, by the Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., from Honey Creek (Burlington), Wis.

**PRODUCT:** 21 cheddar cheeses, each weighing approximately 70 pounds, at Minneapolis, Minn. The product was involved in a train wreck while in transit.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of nondescript dirt.

**DISPOSITION:** December 10, 1953. The Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the good portion under the supervision of the Department of Health, Education, and Welfare.

The product was commingled with the product involved in the following notice of judgment, No. 21322, for purposes of salvage. As a result of the salvaging operations, 1,460 pounds of the commingled product were found to be good and were released, and 2,595 pounds were found to be unfit and were destroyed.

**21322. Adulteration of cheddar cheese. U. S. v. 36 Cheeses \* \* \*. (F. D. C. No. 36011. Sample No. 19741-L.)**

**LIBEL FILED:** December 4, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 16, 1953, by the Soo Line Railroad Co., from Burlington, Wis.

**PRODUCT:** 36 cheddar cheeses, each weighing 70 pounds, at Minneapolis, Minn. The product was involved in a train wreck while in transit.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt and mold.

**DISPOSITION:** December 10, 1953. The Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the good portion under the supervision of the Department of Health, Education, and Welfare.

The product was commingled with the product involved in the preceding notice of judgment, No. 21321, for purposes of salvage. As a result of the salvaging operations, 1,460 pounds of the commingled product were found to be good and were released, and 2,595 pounds were found to be unfit and were destroyed.

#### MISCELLANEOUS DAIRY PRODUCTS

21323. Adulteration of evaporated milk and skimmed evaporated milk. U. S. v. Nashville Milk Co. and William A. Diehl. Plea of guilty by company; plea of nolo contendere by individual. Fine of \$1,500 against company and \$100 against individual. (F. D. C. No. 31594. Sample Nos. 1826-L, 3463-L, 31282-L.)

INFORMATION FILED: March 31, 1952, Eastern District of Illinois, against the Nashville Milk Co., a corporation, Nashville, Ill., and William A. Diehl, president of the corporation.

ALLEGED SHIPMENT: On or about February 21 and March 13, 1951, from the State of Illinois into the States of Virginia, Missouri, and Georgia.

LABEL, IN PART: (Can) "Evaporated Milk With Increased Vitamin D Content Contents 14½ Ozs. Avoir. Distributors Colonial Stores Incorporated Norfolk, Va."; "IGA 14½ Oz. Net Wt. Homogenized Evaporated Milk Excellent and Safe Milk for Babies Packed For Independent Grocers Alliance Distributing Company."; and "KIM Brand Skimmed Evaporated Milk Net Weight 14½ Ozs. Packed By Nashville Milk Co. Nashville, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of manure fragments and feather fragments and by reason of the use of dirty milk in the preparation of the articles.

DISPOSITION: May 28, 1954. The corporation having entered a plea of guilty and the individual having entered a plea of nolo contendere, the court fined the corporation \$1,500 and the individual \$100.

21324. Adulteration of nonfat dry milk solids. U. S. v. Ryan Milk Co. Plea of nolo contendere. Fine of \$250 on each of 3 counts of information, plus costs; fine on count 1 suspended. (F. D. C. No. 35782. Sample Nos. 62650-L, 62753-L, 62754-L.)

INFORMATION FILED: January 27, 1954, Western District of Kentucky, against the Ryan Milk Co., a partnership, Murray, Ky.

ALLEGED SHIPMENT: On or about August 3 and September 25 and 28, 1953, from the State of Kentucky into the States of Missouri and Tennessee.

LABEL, IN PART: (Drum) "Spray Dried Nonfat Milk Solids" and "Sunburst Gray-Jensen Spray Process Pasteurized Nonfat Dry Milk Solids."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure, insect fragments, and cow hairs, and by reason of the use of filth-contaminated milk in the preparation of the article; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 19, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$250 on each of the 3 counts of the information, plus costs. The court suspended the fine imposed on count 1 and ordered that the fine imposed on each of the other 2 counts, plus costs, be paid.

## FISH AND SHELLFISH

**21325. Adulteration of canned anchovy fillets and canned olives stuffed with anchovies.** U. S. v. 226 Tins, etc. (F. D. C. No. 36277. Sample Nos. 65417-L, 83671-L.)

**LIBEL FILED:** January 7, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 8 and 28, 1953, from New York, N. Y.

**PRODUCT:** 226 13-ounce tins of anchovy fillets and 29 2-pound, 2-ounce cans of olives stuffed with anchovies at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 5, 1954. Default decree of destruction.

**21326. Adulteration of frozen haddock fillets.** U. S. v. 46 Cases \* \* \*. (F. D. C. Nos. 36279, 36280. Sample Nos. 70070-L to 70072-L, incl.)

**LIBEL FILED:** January 7, 1954, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 1 and 16, 1953, by Cape Ann Fisheries, Inc., from Gloucester, Mass.

**PRODUCT:** 46 cases, each containing 10 5-pound packages, of frozen haddock fillets at Denver, Colo.

**LABEL, IN PART:** (Package) "Cape Ann Brand Haddock Frosted Fillets."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** March 3, 1954. Default decree of condemnation. The court ordered that a portion of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21327. Adulteration of canned tuna.** U. S. v. 160 Cases \* \* \*. (F. D. C. No. 36161. Sample No. 84619-L.)

**LIBEL FILED:** December 4, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 25, 1953, by the Vega Trading Co., from New York, N. Y.

**PRODUCT:** 160 cases, each containing 48 cans, of tuna at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "White Meat Albacore Tuna Fish Flakes In Salad Oil (Peanut Oil) Salt Added Tribreme Brand Product of Portugal Net Contents 7 Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish and rancid oil.

**DISPOSITION:** March 15, 1954. Default decree of condemnation and destruction.

**21328. Adulteration of crabmeat.** U. S. v. 94 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35868, 35870. Sample Nos. 788-L, 789-L.)

**LIBELS FILED:** On or about October 30 and November 6, 1953, District of Maryland and Northern District of Alabama.

ALLEGED SHIPMENT: On or about October 26 and 28, 1953, by the Piner's Seafood Co., from Fort Myers, Fla.

PRODUCT: 94 1-pound cans of crabmeat at Baltimore, Md., and 1 barrel containing 100 1-pound cans of crabmeat at Birmingham, Ala.

Analyses disclosed that the Baltimore lot and the Birmingham lot were contaminated with *E. coli* of fecal origin.

LABEL, IN PART: (Can) "Piner's Seafood Co. \* \* \* DeLuxe [or "Lump"] Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article in both lots consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article in both lots was prepared under insanitary conditions whereby it may have become contaminated with filth, and the article in the Baltimore lot was prepared also under insanitary conditions whereby it may have been rendered injurious to health.

DISPOSITION: November 20 and December 4, 1953. Default decrees of condemnation and destruction.

**21329. Adulteration of crabmeat. U. S. v. 137 Cans \* \* \*. (F. D. C. No. 35869. Sample No. 59925-L.)**

LIBEL FILED: On or about October 30, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about October 27, 1953, by the R. L. Whorton Crab Plant, from Brunswick, Ga.

PRODUCT: 137 1-pound cans of crabmeat at Baltimore, Md. Analysis showed that the product was contaminated with *E. coli* of fecal origin.

LABEL, IN PART: "R. L. Whorton Crab Plant \* \* \* Claw Crabmeat \* \* \* Brunswick, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: November 20, 1953. Default decree of condemnation and destruction.

**21330. Adulteration of canned shrimp. U. S. v. 148 Cases \* \* \*. (F. D. C. No. 35731. Sample No. 73792-L.)**

LIBEL FILED: October 19, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 20, 1953, by the Barre Seafood Co., from Houma, La.

PRODUCT: 148 cases, each containing 24 cans, of shrimp at Philadelphia, Pa.

LABEL, IN PART: (Can) "Sea Fare Brand Wet Pack Drained Weight 5 Ozs. Broken Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 10, 1954. The Barre Seafood Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. A total of 52 cases, plus 18 cans, was found to be unfit and was destroyed.

## FRUITS AND VEGETABLES

## DRIED FRUIT

**21331. Adulteration of raisins.** U. S. v. 98 Cases, etc. (F. D. C. No. 36458.  
Sample Nos. 43038-L, 43039-L.)

**LIBEL FILED:** On or about March 25, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 4, 1954, by the Enoch Packing Co.,  
from Del Rey, Calif.

**PRODUCT:** 197 cases of raisins at New York, N. Y.

**LABEL, IN PART:** (Case) "30 Lbs. Net Wt. Airport Brand Fancy (or Ex  
Fancy) Sul Blch \* \* \* Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects,  
insect parts, insect eggs, and rodent hairs.

**DISPOSITION:** April 15, 1954. Default decree of condemnation and destruction.

**21332. Adulteration of raisins.** U. S. v. 40 Cases \* \* \*. (F. D. C. No. 36459.  
Sample No. 43039-L.)

**LIBEL FILED:** March 19, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about February 4, 1954, by the Enoch Packing Co.,  
from Del Rey, Calif.

**PRODUCT:** 40 cases of raisins at New York, N. Y.

**LABEL, IN PART:** (Case) "30 Lbs. Net Wt. Airport Brand Extra Fancy Sul  
Blch \* \* \* Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insects,  
insect parts, insect eggs, and rodent hairs.

**DISPOSITION:** May 10, 1954. Default decree of condemnation and destruction.

## JAM, JELLY, AND PRESERVES

**21333. Adulteration and misbranding of blackberry jelly, grape jam, and seedless  
blackberry preserves.** U. S. v. 62 Cases, etc. (F. D. C. No. 36413.  
Sample Nos. 79563-L, 79565-L, 79566-L.)

**LIBEL FILED:** On or about March 4, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about January 28, 1953, and January 11, 1954, by  
the G. W. Bagwell Preserving Co., from Chattanooga, Tenn.

**PRODUCT:** 62 cases, each containing 24 1-pound jars, of blackberry jelly,  
16 cases, each containing 12 2-pound jars of grape jam, and 20 cases, each con-  
taining 24 12-ounce jars, of seedless blackberry preserves at Appalachia, Va.

**LABEL, IN PART:** (Jar) "Home Style Pure \* \* Blackberry Jelly [or "Grape  
Jam" or "Seedless Blackberry Preserves"]."

**NATURE OF CHARGE:** Blackberry jelly. Adulteration, Section 402 (b) (2), a  
product deficient in fruit juice had been substituted for blackberry jelly.  
Misbranding, Section 403 (g) (1), the article failed to conform to the definition  
and standard of identity for blackberry jelly since it was made from a  
mixture composed of less than 45 parts by weight of the fruit juice (black-  
berry) ingredient to each 55 parts by weight of one of the sweetening ingredi-  
ents specified in the definition and standard.

Grape jam and seedless blackberry preserves. Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for grape jam and seedless blackberry preserves. Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for grape jam and seedless blackberry preserves since the articles were made from mixtures composed of less than 45 parts by weight of the fruit (grape or blackberry) ingredients to each 55 parts by weight of one of the sweetening ingredients specified in the definitions and standards.

DISPOSITION: May 18, 1954. Default decree of condemnation. The court ordered that the products be delivered to a State institution, for use other than for human consumption.

### VEGETABLES

21334. Adulteration of dried mung beans. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 36329. Sample No. 82747-L.)

LABEL FILED: February 19, 1954, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 8, 1953, from Enid, Okla.

PRODUCT: 40 100-pound bags of dried mung beans at Pittsburgh, Pa., in possession of Madam Chang Foods, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 1, 1954. Madam Chang Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad under the supervision of the Food and Drug Administration. 700 pounds of the product were segregated as unfit and were destroyed.

21335. Adulteration of olives with pimento. U. S. v. 33 Cases \* \* \*. (F. D. C. No. 35988. Sample No. 62663-L.)

LABEL FILED: November 25, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: The article was imported from Benito Villamarin Prieto of Spain and repacked in St. Louis, Mo.

PRODUCT: 33 cases, each containing 24 bottles, of olives with pimento at St. Louis, Mo.

LABEL, IN PART: "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 12 Dr. Wt. 7½ Oz. Packed By A. C. L. Haase Co., St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged olives and insect-infested olives.

DISPOSITION: January 19, 1954. Default decree of condemnation and destruction.

21336. Adulteration of canned black-eyed peas. U. S. v. 48 Cases \* \* \*. (F. D. C. No. 36693. Sample No. 67500-L.)

LABEL FILED: March 18, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 13, 1954, by the Taormina Co., from Donna, Tex.

**PRODUCT:** 48 cases, each containing 24 cans, of black-eyed peas at New Orleans, La.

**LABEL, IN PART:** (Can) "Deer Fresh Shelled Black-Eyed Peas Contents 15 Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing an excessive amount of water as a packing medium had been substituted in whole or in part for canned black-eyed peas.

**DISPOSITION:** May 6, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

#### TOMATOES AND TOMATO PRODUCTS

**21337. Adulteration of canned tomatoes. U. S. v. 842 Cases \* \* \*. Tried to the court and jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 34495. Sample No. 55535-L.)**

**LIBEL FILED:** December 15, 1952, Western District of New York; amended libel filed May 8, 1953.

**ALLEGED SHIPMENT:** On or about October 8 and 20, 1952, by the O. M. Brown Canning Co., from Elwood, Ind.

**PRODUCT:** 842 cases, each containing 24 unlabeled cans, of tomatoes at Albion, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** O. M. Brown Packing Co., Inc., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the claimant and the Government served interrogatories upon each other, which were answered. The case came on for trial before the court and jury on June 3, 1954, and was concluded on June 8, 1954, with the return of a verdict for the Government. On June 23, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

**21338. Adulteration of canned tomatoes. U. S. v. 998 Cases \* \* \*. (F. D. C. No. 36136. Sample No. 59481-L.)**

**LIBEL FILED:** November 23, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 14, 1953, by A. W. Sisk & Son, from Richmond, Va.

**PRODUCT:** 998 cases, each containing 24 cans, of tomatoes at Griffin, Ga.

**LABEL, IN PART:** (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Ozs. \* \* \* Packed By Belmont Canning Co. Threeway, Va."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** January 5, 1954. Default decree of condemnation and destruction.

**21339. Adulteration of tomato juice. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 36138. Sample No. 45771-L.)**

**LIBEL FILED:** November 23, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 17, 1953, by H. E. Kelley & Co., Inc., from New Church, Va.

PRODUCT: 89 cases, each containing 12 cans, of tomato juice at Boston, Mass.

LABEL, IN PART: (Can) "Kelley's Tomato Juice Contents Approximately 1 Qt. 14 F. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 1, 1954. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

21340. Adulteration of pecan meats. U. S. v. 80 Cartons \* \* \*. (F. D. C. No. 36499. Sample No. 58090-L.)

LIBEL FILED: April 9, 1954, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 2 and 3, 1954, by the Missouri Pecan Shelling Co., from St. Louis, Mo.

PRODUCT: 80 30-pound cartons of pecan meats at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10, 1954. Default decree of condemnation and destruction.

21341. Adulteration of pecan meats. U. S. v. 26 Cartons \* \* \*. (F. D. C. No. 36723. Sample No. 53370-L.)

LIBEL FILED: April 26, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 5, 15, 23, and 31, 1954, by the Southwest Pecan Co., from Bristow, Okla.

PRODUCT: 26 60-pound cartons of pecan meats at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (b) (2), shell had been substituted in part for pecan granules, which the article was represented to be.

DISPOSITION: May 19, 1954. Default decree of condemnation and destruction.

21342. Adulteration of sunflower seeds. U. S. v. 100 Bags, etc. (F. D. C. No. 36249. Sample No. 65501-L.)

LIBEL FILED: December 16, 1953, District of Minnesota; amended libel filed December 30, 1953.

ALLEGED SHIPMENT: On or about February 27, 1953, from Manteca, Calif.

PRODUCT: 100 85-pound bags and 300 100-pound bags of sunflower seeds at St. Paul, Minn., in possession of the Fisher Nut & Chocolate Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 11, 1954. The Fisher Nut & Chocolate Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 4,498 pounds of the product were found unfit and were denatured for use as animal feed.

## POULTRY

**21343. Adulteration of dressed poultry. U. S. v. Rosen Poultry Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 35757. Sample Nos. 45573-L, 50531-L.)**

**INFORMATION FILED:** May 24, 1954, District of Connecticut, against the Rosen Poultry Co., a partnership, Danielson and Willimantic, Conn.

**ALLEGED SHIPMENT:** On or about May 28 and July 21, 1953, from the State of Connecticut into the States of New York and Massachusetts.

**LABEL, IN PART:** (A number of crates) "Rose-Maid Poultry Danielson Connecticut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds contaminated with fecal matter; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** June 14, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000.

**21344. Adulteration of dressed poultry. U. S. v. 13 Crates \* \* \*. (F. D. C. No. 36163. Sample No. 73537-L.)**

**LIBEL FILED:** December 4, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 11, 1953, by the Millsboro Poultry Plant, from Millsboro, Del.

**PRODUCT:** 13 crates, containing a total of 959 pounds, of dressed poultry at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with dirt, fecal matter, and crop material, and it was otherwise unfit for food by reason of the presence of torn, discolored, and extensively bruised birds.

**DISPOSITION:** January 18, 1954. Default decree of condemnation and destruction. On March 2, 1954, the decree was amended to permit two crates of the product to be released to the Department of Health, Education, and Welfare.

**21345. Adulteration of dressed poultry. U. S. v. 226 Pounds \* \* \*. (F. D. C. No. 36154. Sample No. 51933-L.)**

**LIBEL FILED:** December 2, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 6, 1953, by the Burris Processing Co., from Milford, Del.

**PRODUCT:** 226 pounds of dressed poultry in 3 crates at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

**DISPOSITION:** January 14, 1954. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21346. Adulteration and misbranding of black pepper and white pepper.** U. S. v. Milwaukee Spice Mills, Inc., and Paul J. Schlueter. Pleas of guilty. Fine of \$1,000 against corporation and \$500 against individual. (F. D. C. No. 35187. Sample Nos. 57066-L, 57069-L, 57070-L, 57851-L, 58117-L, 58794-L, 58795-L, 62486-L, 70972-L, 73198-L.)

**INFORMATION FILED:** October 15, 1953, Eastern District of Wisconsin, against Milwaukee Spice Mills, Inc., Milwaukee, Wis., and Paul J. Schlueter, secretary-treasurer and general manager of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of March 25 and April 17, 1953, from the State of Wisconsin into the States of Ohio, Maryland, Michigan, Illinois, Missouri, Indiana, and Pennsylvania.

**LABEL, IN PART:** (Drum) "Pepper—Black Ground Manufactured by Milwaukee Spice Mills Milwaukee 4, Wisconsin Freshly Ground Black Pepper" and "Pepper—Muntok White Ground Manufactured by Milwaukee Spice Mills Milwaukee 4, Wisconsin Freshly Ground Muntok White Pepper."

**NATURE OF CHARGE:** Black pepper. Adulteration, Section 402 (b) (2), ground soybeans, cottonseed hulls, wheat flour, and soybean flour had been substituted in part for black pepper; and, Section 402 (b) (4), ground soybeans, cottonseed hulls, wheat flour, and soybean flour had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength. Misbranding, Section 403 (a), the label statements "Pepper—Black Ground" and "Freshly Ground Black Pepper" were false and misleading.

White Pepper. Adulteration, Section 402 (b) (2), wheat flour had been substituted in part for white pepper; and, Section 402 (b) (4), wheat flour had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength. Misbranding, Section 403 (a), the label statements "Pepper—Muntok White Ground" and "Freshly Ground Muntok White Pepper" were false and misleading.

**DISPOSITION:** March 1, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,000 and the individual \$500.

**21347. Adulteration of yellow mustard seed and oriental mustard seed.** U. S. v. 1 Storage Bin, etc. (F. D. C. No. 36306. Sample Nos. 82735-L, 82736-L.)

**LABEL FILED:** February 4, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 10, 1946, and October 7, 1953, from Great Falls, Montana.

**PRODUCT:** 1 storage bin containing approximately 10,000 pounds of yellow mustard seed, 100 100-pound bags of yellow mustard seed, and 1 storage bin containing approximately 7,500 pounds of oriental mustard seed at Carnegie, Pa., in possession of H. F. Botsford & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 4, 1954. H. F. Botsford & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered against both products and the court ordered that the yellow mustard seed be released under bond for salvage under the supervision of the Food and Drug Administration. On March 5, 1954, the court entered an order directing that the oriental mustard seed be destroyed. The yellow mustard seed was examined, with the result that 3,300 pounds of this seed were found unfit and were destroyed. The oriental mustard seed was destroyed.

### **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**21348. Adulteration and misbranding of B-Livron tablets. U. S. v. 298 Bottles \* \* \*. (F. D. C. No. 36123. Sample No. 52628-L.)**

**LIBEL FILED:** November 16, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about May 30, 1952, from New York, N. Y.

**PRODUCT:** 298 100-tablet bottles of B-Livron tablets Irvington, N. J. Examination showed that the product contained 0.44 milligram of vitamin B<sub>1</sub> (thiamine) per tablet instead of 1 milligram as declared on the label.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements, namely, "Each tablet contains: \* \* \* Thiamin Chloride 1 mg. \* \* \*" and "Four tablets supply the following ratio of the minimum adult daily requirements: 400% of Vitamin B<sub>1</sub>," were false and misleading as applied to the article, which contained less than 1 milligram of vitamin B<sub>1</sub> per tablet and which supplied less than 400 percent of the minimum daily requirement for vitamin B<sub>1</sub> per each 4 tablets.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 14, 1954. Default decree of condemnation and destruction.

**21349. Misbranding of Pacific kelp tablets. U. S. v. 2 Drums, etc. (F. D. C. No. 36383. Sample No. 83882-L.)**

**LIBEL FILED:** February 20, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 21, 1953, from Kalamazoo, Mich.

**PRODUCT:** 2 100,000-tablet drums of Pacific kelp tablets at St. Paul, Minn., in possession of Bemis Products, together with a number of 500-tablet bottles of the tablets, which had been removed from the drums and repacked into bottles, and a number of loose bottle labels, a number of leaflets entitled "Bemis News," and a number of folders entitled "Live \* \* \* Longer Better Happier Read how . . . ."

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\*See also No. 21313.

**RESULTS OF INVESTIGATION:** The leaflets and folders were printed for the consignee at St. Paul, Minn., and accompanied the tablets at the time of sale.

**LABEL, IN PART:** (Drum) "Each tablet contains Pacific Kelp 5 gr. \* \* \* Caution: For Repackaging Use Only"; (bottle) "500 Tablets \* \* \* Bemis Kelp (Pure Pacific Sea Kelp) These tablets are dehydrated, compressed, pure sea kelp, without binder or coating Essential Minerals \* \* \* Elements: 18 Tablets Contain Calcium . . . . 61.0 Milligrams Iodine . . . . 5.83 Milligrams Phosphorus . . . . 19.0 Milligrams Iron . . . . 2.6 Milligrams Chlorine . . . . 760.0 Milligrams Potassium . . . . 648.0 Milligrams Sodium . . . . 211.0 Milligrams Sulphur . . . . 58.0 Milligrams Magnesium . . . . 44.0 Milligrams Also small amounts of all the trace elements. Directions For Use As A supplement To Regular Diet."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in the above-mentioned leaflets and folders were false and misleading. The statements represented and suggested that the article was effective to supply all the mineral elements required in human nutrition; to insure proper nutrition; to promote longer, better, and happier life; to prevent defective teeth; to prevent cancer; and to prevent practically the entire gamut of diseases. The article was not effective for such purposes.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear as required by the regulations a statement of the proportions of the minimum daily requirements for calcium, phosphorus, iodine, and iron supplied by the article when consumed in a specified quantity during a period of one day.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 12, 1954. Default decree of destruction.

**21350. Misbranding of Super-5 Food Tabs. U. S. v. 3 Cases, etc. (F. D. C. No. 30771. Sample No. 5339-L.)**

**LIBEL FILED:** March 12, 1951, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about January 11, 1951, by Universal Nutritions, Inc., from Great Neck, Long Island, N. Y.

**PRODUCT:** Super-5 Food Tabs. 3 cases, each containing 24 100-tablet bottles, and 38 400-tablet bottles, at Wollaston, Mass.

**LABEL, IN PART:** (Bottle) "Tablets Super-5 \* \* \* Brand of Food Tabs Each tab contains 11 grains of a mixture of the following dried and compressed: Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Super-5 \* \* \* Food Tabs \* \* \* Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt This food is designed for those who wish to add the ingredients listed to their daily diet" were false and misleading. The statements represented and suggested that the article, when used as recommended, namely, "4 tabs or more with each meal," would supply nutritionally significant amounts of the declared ingredients, whereas the article, when used as recommended, would not supply nutritionally significant amounts of the declared ingredients.

**DISPOSITION:** Universal Nutritions, Inc., claimant, filed an answer denying that the product was misbranded as alleged in the libel. Thereafter, on May 10, 1951, on motion of the claimant, the case was removed for trial in the Eastern District of New York. The claimant subsequently withdrew its answer, and on June 16, 1954, the court entered a decree of condemnation and destruction.

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<sup>1</sup> (21301) Seizure contested. Contains opinion of the court. .

<sup>2</sup> (21337) Seizure contested.

<sup>3</sup> (21306) Prosecution contested.

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<sup>1</sup> (21301) Seizure contested. Contains opinion of the court.<sup>2</sup> (21337) Seizure contested.<sup>3</sup> (21306) Prosecution contested.

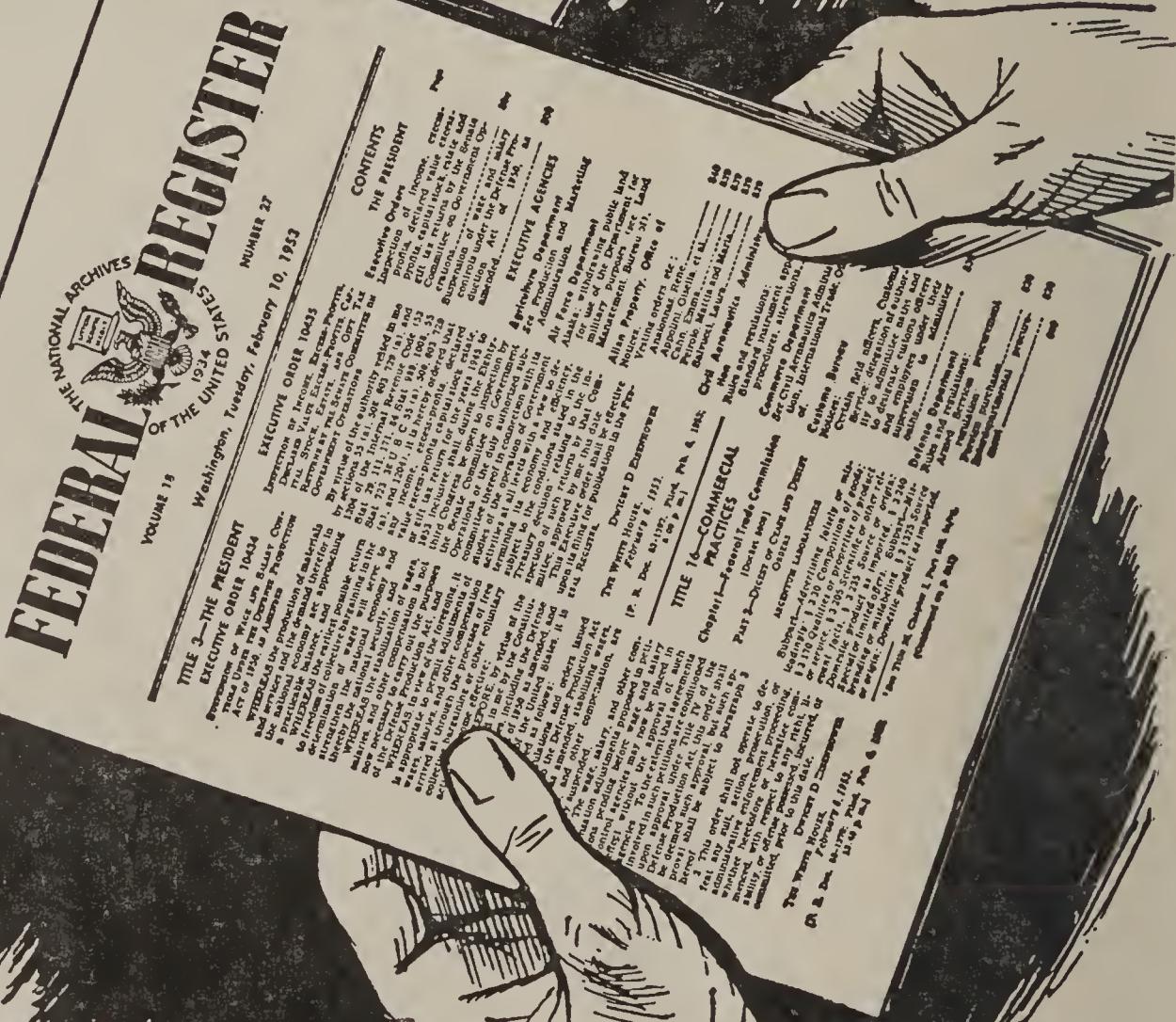
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## ERRATUM

F. N. J. 21272, p. 111. After LIBELS FILED, change October "6" to "16."



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# U. S. Department of Health, Education, and Welfare

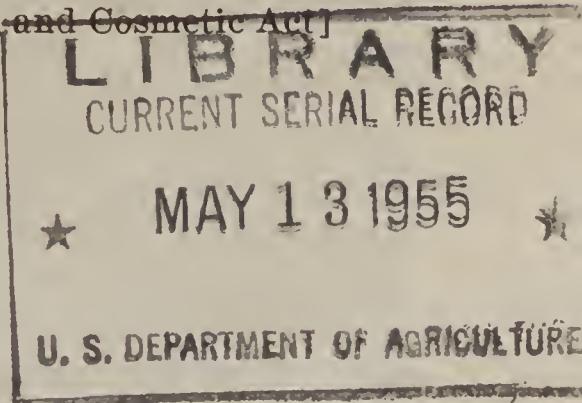
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21351-21400

**FOODS**



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 11, 1955.

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## CANDY

**21351. Adulteration of chocolate wafers, chocolate-covered peanuts, and chocolate-covered raisins.** U. S. v. 200 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36354, 36358. Sample Nos. 84275-L, 84276-L, 84303-L.)

**LIBELS FILED:** On or about January 29, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 21, 1953, and January 12, 1954, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 200 cases, each containing 24 packages, of chocolate wafers; 24 display cartons, each containing 24 boxes, of chocolate-covered peanuts; and 60 display cartons, each containing 24 boxes, of chocolate-covered raisins, at Camden and Westville, N. J.

**LABEL, IN PART:** (Box) "B-B Milk Chocolate Covered Goobers Peanuts \* \* \* Net Weight 1 Oz." and "B-B Milk Chocolate Covered Raisinets \* \* \* Net Wt. 1 Oz.;" (package) "Net Wt. 8 Ozs. Letty Lane Milk Wafers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** March 16, 1954. Default decrees of condemnation and destruction.

**21352. Adulteration of chocolate-covered raisins.** U. S. v. 9 Cases \* \* \*. (F. D. C. No. 36364. Sample No. 84440-L.)

**LIBEL FILED:** February 9, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 4, 1954, by the Blumenthal Bros. Chocolate Co., from Philadelphia, Pa.

**PRODUCT:** 9 cases, each containing 12 display cartons and each display carton containing 24 packages, of chocolate-covered raisins at Trenton, N. J.

**LABEL, IN PART:** (Package) "B-B Milk Chocolate Covered Raisinets \* \* \* Net Wt. 1 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 15, 1954. Default decree of condemnation and destruction.

**21353. Misbranding of dental chewing gum.** U. S. v. 115 Boxes \* \* \*. (F. D. C. No. 36255. Sample Nos. 82657-L, 82658-L.)

**LIBEL FILED:** December 22, 1953, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 11 and November 12, 1953, by the Fan Tan Gum Corp. from Dayton, Ohio.

**PRODUCT:** 115 boxes, each containing 20 packages, of dental chewing gum at Pittsburgh, Pa. Analysis showed that the product contained 10 percent reducing sugars calculated as dextrose.

**LABEL, IN PART:** (Package) "5 Sticks Sugarless Dental-Gum Ammoniated Chlorophyll Aids Breath Teeth Gums."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the name of the article "Sugarless Dental-Gum" was false and misleading as applied to the article, which contained a substantial amount of reducing sugars.

**DISPOSITION:** March 17, 1954. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS BAKERY PRODUCTS

**21354. Adulteration of toast.** U. S. v. Northern Baking Co., Inc. Plea of guilty.  
**Fine, \$750.** (F. D. C. No. 35802. Sample Nos. 55702-L, 65670-L,  
65707-L to 65710-L, incl.)

**INFORMATION FILED:** April 9, 1954, Western District of Michigan, against Northern Baking Co., Inc., Ironwood, Mich.

**ALLEGED SHIPMENT:** On or about August 26 and September 11 and 23, 1953, from the State of Michigan into the States of New York and Illinois.

**LABEL, IN PART:** (Box) "2 Pounds Net Weight When Packed Northern Toast Made by Northern Baking Company Ironwood, Michigan"; (bag) "1 Lb. 12 Oz. Net Weight When Packed Sugar [or "Cinnamon," "Sugar Cinnamon," or "Tea"] Northern's Bestyet Toast Northern Baking Company Ironwood, Mich."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 3, 1954. The defendant having entered a plea of guilty, the court fined it \$750.

**21355. Adulteration of date and nut bars and chocolate chip cookies.** U. S. v. 39 Cases, etc. (F. D. C. No. 35975. Sample Nos. 65412-L, 65413-L.)

**LIBEL FILED:** November 18, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 20, 1953, by the Zion Baking Industry (Division of Zion Industries, Inc.), from Zion, Ill.

**PRODUCT:** 39 cases, each containing 12 packages, of date and nut bars, and 35 cases, each containing 12 packages, of chocolate chip cookies, at St. Paul, Minn.

**LABEL, IN PART:** (Package) "Zion Country Fresh Date and Nut Bars \* \* \* Net Wt. 1 Lb." and "Net Weight Eight Ounces Zion Country Fresh \* \* \* Chocolate Chip Cookies With Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, and feather barbules; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they have become contaminated with filth.

**DISPOSITION:** March 8, 1954. A default decree was entered, providing for the destruction of the product unless denatured for use as animal feed.

## FLOUR

**21356. Adulteration of flour.** U. S. v. 237 Bags \* \* \*. (F. D. C. No. 35972. Sample No. 78960-L.)

**LIBEL FILED:** November 16, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 25 and October 22, 1953, from Indianapolis, Ind.

**PRODUCT:** 237 100-pound bags of flour at Louisville, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1953. The Louisville Grocery Co., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion and the conversion of that portion for use other than as food for human consumption, under the supervision of the Department of Health, Education, and Welfare. The entire amount of the product subsequently was denatured for use as a glue extender.

**21357. Adulteration of flour.** U. S. v. 14 Cases, etc. (F. D. C. No. 35923. Sample Nos. 62826-L, 62828-L, 62829-L.)

**LIBEL FILED:** October 15, 1953, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about August 6, 18, and 27, and September 4, 1953, from Greenville, Tex., Salina, Kans., and Denver, Colo.

**PRODUCT:** 215 50-pound bags and 14 cases, each case containing 5 10-pound bags, of flour at Batesville, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 21, 1953. Default decree of condemnation. The court ordered that the product be denatured and delivered to a public institution, for use as animal feed.

**21358. Adulteration of flour.** U. S. v. 23 Bags \* \* \* (and 1 other seizure action). (F. D. C. No. 36347. Sample Nos. 66357-L, 66358-L.)

**LIBELS FILED:** March 10, 1954, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about January 15, 1951, and May 6, 1953, from Omaha, Nebr., and Minneapolis, Minn.

**PRODUCT:** 161 50-pound bags of flour at Escanaba, Mich., in possession of the Northern Flour & Grain Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 16, 1954. Default decrees of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21359. Adulteration of flour.** U. S. v. 67 Bags \* \* \*. (F. D. C. No. 35943.  
Sample No. 61971-L.)

**LIBEL FILED:** October 29, 1953, District of Nebraska.

**ALLEGED SHIPMENT:** On or about September 23, 1953, from Kansas City, Mo.

**PRODUCT:** 67 50-pound bags of flour at Hastings, Nebr., in possession of the Nash-Finch Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 25, 1953. The Nash-Finch Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Department of Health, Education, and Welfare. On November 30, 1953, the decree was modified to provide for the destruction of the product.

**21360. Adulteration of flour.** U. S. v. 43 Bags \* \* \*. (F. D. C. No. 35916.  
Sample No. 64978-L.)

**LIBEL FILED:** October 7, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 4, 12, and 27, 1953, from Humboldt, Nebr.

**PRODUCT:** 43 50-pound bags of flour at Chariton, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 12, 1953. Default decree of forfeiture. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21361. Adulteration of flour.** U. S. v. 12 Bags \* \* \*. (F. D. C. No. 35718.  
Sample No. 59399-L.)

**LIBEL FILED:** October 15, 1953, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 16, 1953, from Charlotte, N. C.

**PRODUCT:** 12 100-pound bags of flour at Charleston, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

## MACARONI AND NOODLE PRODUCTS

**21362. Adulteration of macaroni and egg noodles. U. S. v. 6 Cases, etc. (F. D. C. No. 36473. Sample Nos. 15921-L, 15922-L.)**

**LABEL FILED:** April 2, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about January 15, 1953, from Shreveport, La.

**PRODUCT:** 6 cases, each containing 12 12-ounce packages, of macaroni, and 5 cases, each containing 12 10-ounce packages, of egg noodles, at Hugo, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 23, 1954. Default decree of condemnation and destruction.

**21363. Adulteration and misbranding of egg noodles. U. S. v. Francis W. Brice (F. W. Brice & Son). Plea of guilty. Fine of \$100, plus costs. (F. D. C. No. 35742. Sample Nos. 61402-L, 61403-L.)**

**INFORMATION FILED:** December 21, 1953, District of Nebraska, against Francis W. Brice, trading as F. W. Brice & Son, Omaha, Nebr.

**ALLEGED SHIPMENT:** On or about April 28 and July 3, 1953, from the State of Nebraska into the State of Iowa.

**LABEL, IN PART:** (Package) "Brice's Egg Rich Little Dutch Maid \* \* \* Pure Egg Noodles 5½% Egg Solids."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in part omitted from the article; and, Section 402 (b) (2), a product, the total solids of which contained less than 5.5 percent by weight of the solids of egg or egg yolk, had been substituted for egg noodles.

Misbranding, Section 403 (a), the label statement "5½% Egg Solids" was false and misleading since the article contained less than 5½ percent of egg solids; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

**DISPOSITION:** April 8, 1954. The defendant having entered a plea of guilty, the court fined him \$100, plus costs.

**21364. Adulteration of spaghetti. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 36681. Sample No. 61216-L.)**

**LABEL FILED:** March 16, 1954, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about October 3, 1953, from St. Paul, Minn.

**PRODUCT:** 7 cases, each containing 24 2-pound boxes, of spaghetti at Vinita, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 5, 1954. Default decree of condemnation and destruction.

**MISCELLANEOUS CEREALS AND CEREAL PRODUCTS**

**21365. Adulteration of rice.** U. S. v. United Rice Milling Products Co., Inc., Edgar V. Schafer, Sr., and Edgar V. Schafer, Jr. Pleas of nolo contendere. Fine of \$300 against each defendant. (F. D. C. No. 35102. Sample Nos. 22254-L, 47036-L, 67154-L.)

**INFORMATION FILED:** July 2, 1953, Eastern District of Louisiana, against United Rice Milling Products Co., Inc., New Orleans, La., Edgar V. Schafer, Sr., president of the corporation, and Edgar V. Schafer, Jr., vice president.

**ALLEGED SHIPMENT:** On or about November 19 and December 3, 1952, from the State of Louisiana, to Puerto Rico.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larva, larva heads, cast skins, insects, and insect and rodent excreta; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 7, 1954. The defendants having entered pleas of nolo contendere, the court fined each defendant \$300.

**21366. Adulteration of brewers soybean flakes.** U. S. v. 61 Bags \* \* \*. (F. D. C. No. 36132. Sample Nos. 50591-L, 50592-L.)

**LIBEL FILED:** December 4, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about September 2 and 23, 1953, by A. Gusmer, Inc., from Hoboken, N. J.

**PRODUCT:** 61 50-pound bags of brewers soybean flakes at Staten Island, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 14, 1954. Default decree of condemnation and destruction.

**21367. Adulteration of flour mix.** U. S. v. 5 Cases, etc. (F. D. C. No. 36473. Sample Nos. 15919-L, 15920-L.)

**LIBEL FILED:** April 2, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** Sometime during July 1950, from St. Joseph, Mo.

**PRODUCT:** 5 cases, each containing 12 2-pound, 8-ounce packages, and 4 cases, each containing 12 1-pound, 4-ounce packages, of flour mix at Hugo, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 6, 1954. Default decree of condemnation and destruction.

**DAIRY PRODUCTS****BUTTER**

**21368. Adulteration of butter. U. S. v. Isaly Dairy Co. Plea of guilty. Fine, \$100. (F. D. C. No. 35810. Sample Nos. 79075-L, 79123-L.)**

**INFORMATION FILED:** April 1, 1954, Northern District of Ohio, against the Isaly Dairy Co., a corporation, Youngstown, Ohio.

**ALLEGED SHIPMENT:** On or about August 17 and November 5, 1953, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** (Wrapper) "Isaly's Butter One Pound Net Weight Manufactured By The Isaly Dairy Co., Youngstown, Ohio."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** April 30, 1954. The defendant having entered a plea of guilty, the court fined it \$100.

**21369. Adulteration of butter. U. S. v. 22 Boxes (1,408 pounds) \* \* \*. (F. D. C. No. 35892. Sample No. 83578-L.)**

**LIBEL FILED:** January 23, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about January 6, 1954, by the Granville Creamery & Locker Plant, from Granville, N. Dak.

**PRODUCT:** 22 64-pound boxes of butter at Moorhead, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** April 30, 1954. The Granville Creamery & Lockers, Granville, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Department of Health, Education, and Welfare.

**CHEESE**

**21370. Adulteration of cheese. U. S. v. Chester A. Neil (Belleville Cheese Factory). Plea of guilty. Fine, \$200. (F. D. C. No. 35196. Sample Nos. 55663-L, 55678-L.)**

**INFORMATION FILED:** January 26, 1954, Northern District of New York, against Chester A. Neil, trading as the Belleville Cheese Factory, Hermon, N. Y.

**ALLEGED VIOLATION:** On or about April 12, 1946, the defendant caused to be given to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese delivered by the defendant under the guaranty would not be adulterated.

On or about May 25 and June 15, 1953, the defendant caused to be shipped to the holder of the guaranty, at Carthage, N. Y., quantities of cheese which were adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of manure fragments and mites and by reason of the use of filthy milk in the preparation of the article.

DISPOSITION: June 3, 1954. The defendant having entered a plea of guilty, the court fined him \$200.

**21371. Adulteration of colby cheese. U. S. v. North Loup Cooperative Cheese Co.**  
**Plea of nolo contendere. Fine of \$400, plus costs. (F. D. C. No. 35568.**  
**Sample No. 61951-L.)**

INFORMATION FILED: April 23, 1954, District of Nebraska, against the North Loup Cooperative Cheese Co., a corporation, North Loup, Nebr.

ALLEGED VIOLATION: On or about June 15, 1953, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that all cheese delivered by the defendant under the guaranty would be neither adulterated nor misbranded.

On or about September 2, 1953, the defendant caused to be shipped to the holder of the guaranty, at Omaha, Nebr., a quantity of colby cheese which was adulterated.

LABEL, IN PART: "Colby No. 1 Nebraska Cheese Made From Pasteurized Whole Milk."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and manure fragments, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: June 25, 1954. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$400, plus costs.

## EGGS

**21372. Adulteration of eggs. U. S. v. 78 Cans, etc. (F. D. C. No. 36278. Sample Nos. 56152-L, 56169-L, 56170-L.)**

LIBEL FILED: January 7, 1954, Northern District of New York.

ALLEGED SHIPMENT: On or about November 11 and December 3, 1953, from Baltimore, Md.

PRODUCT: 95 30-pound cans of eggs at Binghamton, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 6, 1954. Default decree of condemnation and destruction.

**21373. Adulteration and misbranding of dried egg yolks. U. S. v. 3 Drums \* \* \*. (F. D. C. No. 36410. Sample No. 76113-L.)**

LIBEL FILED: March 9, 1954, District of Oregon.

ALLEGED SHIPMENT: On or about December 8, 1953, by the Goldhill Food Corp., from Brooklyn, N. Y.

PRODUCT: 3 200-pound drums of dried egg yolks at Portland, Oreg.

LABEL, IN PART: "200# Drum of Gold-Tex Yolk Blend."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of nonfat dry milk solids and egg yolks had been substituted in whole or in part for dried egg yolks; and, Section 402 (b) (4), nonfat dry milk solids had been

added to dried egg yolks and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for dried egg yolks since it contained added nonfat dry milk solids, which are not permitted as an ingredient of dried egg yolks in such definition and standard.

**DISPOSITION:** June 14, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

## FISH AND SHELLFISH

**21374. Adulteration of frozen bluefish.** U. S. v. 677 Pounds \* \* \*. (F. D. C. No. 36361. Sample No. 50171-L.)

**LIBLE FILED:** February 1, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 24, 29, and 31, 1953, from Port Richey and West Palm Beach, Fla., and from other places in the State of Florida.

**PRODUCT:** 677 pounds of frozen bluefish at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 25, 1954. Default decree of condemnation and destruction.

**21375. Adulteration of canned sardines.** U. S. v. 40 Cases \* \* \*. (F. D. C. No. 36528. Sample No. 80519-L.)

**LIBLE FILED:** April 27, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 24, 1952, from New York, N. Y.

**PRODUCT:** 40 cases, each containing 50 3 $\frac{3}{4}$ -ounce cans, of sardines at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21376. Adulteration of fish roe.** U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 36374. Sample No. 50166-L.)

**LIBLE FILED:** February 5, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 12, 1953, by the Flieth-Ehlers Merc. Co., from Cornucopia, Wis.

**PRODUCT:** 2 150-pound barrels of fish roe at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** March 2, 1954. Default decree of condemnation and destruction.

**21377. Adulteration of crabmeat. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 35876. Sample No. 59920-L.)**

LIBEL FILED: On or about November 5, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 24, 1953, by the Charlotte Crab Co., from Punta Gorda, Fla.

PRODUCT: 2 barrels containing 187 pounds of crabmeat in cans at New York, N. Y. Analysis showed that the product was contaminated with *E. coli*.

LABEL, IN PART: (Can) "Charlotte Crab Co. \* \* \* Lump [or "Backfin"] Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 25, 1953. Default decree of condemnation and destruction.

**21378. Adulteration of crabmeat. U. S. v. 1 Box \* \* \* (and 2 other seizure actions). (F. D. C. No. 35871. Sample Nos. 47170-L, 47179-L, 47180-L.)**

LIBELS FILED: November 5 and 6, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 3, 1953, by Riverside Seafoods, Inc., from Berwick, La.

PRODUCT: 1 box containing 20 pounds, 1 box containing 30 pounds, and 1 barrel containing 48 pounds of crabmeat in cans at Chicago, Highland Park, and Evanston, Ill.

LABEL, IN PART: (Can) "Riverside Brand Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 20, 1953. Default decrees of condemnation and destruction.

**21379. Adulteration of crabmeat. U. S. v. 40 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35872, 35881. Sample Nos. 47181-L, 47710-L.)**

LIBELS FILED: November 6 and 10, 1953, Northern District of Ohio and Northern District of Texas.

ALLEGED SHIPMENT: On or about November 3, 1953, by Riverside Seafoods, Inc., from Berwick, La.

PRODUCT: 40 1-pound cans of crabmeat at Dallas, Tex., and 1 box containing approximately 12 pounds of crabmeat at Cleveland, Ohio.

LABEL, IN PART: (Can) "Riverside Brand \* \* \* Crabmeat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 7 and 11, 1953. Default decrees of condemnation and destruction.

**21380. Adulteration of crabmeat. U. S. v. 19 Cans \* \* \*. (F. D. C. No. 35873. Sample No. 48127-L.)**

LIBEL FILED: November 10, 1953, District of Nevada.

**ALLEGED SHIPMENT:** On or about November 3, 1953, by the Ed Martin Sea Food Co., from Westwego, La.

**PRODUCT:** 19 1-pound cans of crabmeat at Las Vegas, Nev.

**LABEL, IN PART:** "Ed Martin's Fresh Crab Meat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance, and it was contaminated with *E. coli* of fecal origin; and, Section 402 (a) (4), the article was prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

**DISPOSITION:** December 16, 1953. Default decree of condemnation and destruction.

**21381. Misbranding of oysters. U. S. v. 976 Cans, etc. (and 1 other seizure action).**

(F. D. C. Nos. 35973, 35974. Sample Nos. 70981-L, 70982-L, 70984-L, 70985-L, 70987-L.)

**LIBELS FILED:** November 16, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 7, 1953, by W. Morgan & Sons, from Weems, Va.

**PRODUCT:** 1,088 cans of oysters standards and 522 cans of oysters selects at Louisville, Ky.

**LABEL, IN PART:** "Content 12 Fl. Oz. Bob Kelley's Oysters."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the articles were short volume.)

**DISPOSITION:** November 16, 1953. W. Morgan & Sons, claimant, having consented to the entry of a decree and the libel proceedings having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product subsequently was repacked.

**21382. Adulteration of frozen shrimp. U. S. v. 90 Pounds \* \* \*. (F. D. C. No. 36110. Sample No. 58055-L.)**

**LIBEL FILED:** November 9, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 14, 1953, by the Ho-Ma Packing Co., from Brownsville, Tex.

**PRODUCT:** 90 pounds of frozen shrimp in cartons at Chicago, Ill.

**LABEL, IN PART:** (Carton) "Frozen Shrimp Ho-Ma Brand 5 Lbs. Net Weight \* \* \* Frozen Headless Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 12, 1954. Default decree of condemnation and destruction.

**21383. Misbranding of canned shrimp. U. S. v. 37 Cases \* \* \*. (F. D. C. No. 36129. Sample No. 47863-L.)**

**LIBEL FILED:** November 19, 1953, District of Maine.

**ALLEGED SHIPMENT:** On or about October 15, 1953, by Reuther's Seafood Co., Inc., from New Orleans, La.

PRODUCT: 37 cases, each containing 24 cans, of shrimp at Portland, Maine.

LABEL, IN PART: (Can) "Marvelous Brand Medium Shrimp Wet Pack Drained Wt. 5 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

Further misbranding, Section 403 (h) (2), the article purported to be and was represented as canned wet pack shrimp in nontransparent containers, and the article fell below the standard of fill of container applicable to such shrimp since the containers of the article were so filled that the cut-out weight of shrimp taken from each can was less than 64 percent of the water capacity of the container and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: February 15, 1954. Reuther's Seafood Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling.

## FRUITS AND VEGETABLES

### CANNED FRUIT

21384. Adulteration of canned blueberries. U. S. v. 80 Cases \* \* \*. (F. D. C. No. 36392. Sample No. 75351-L.)

LIBEL FILED: February 15, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 24, 1953, from Bucksport, Maine.

PRODUCT: 80 cases, each containing 24 1-pound, 3-ounce cans, of blueberries at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 4, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State or Federal institution, for use as animal feed.

21385. Adulteration of canned boysenberries. U. S. v. 87 Cases \* \* \*. (F. D. C. No. 36715. Sample No. 61794-L.)

LIBEL FILED: April 20, 1954, District of Kansas.

ALLEGED SHIPMENT: On or about June 19, 1953, from Van Buren, Ark.

PRODUCT: 87 cases, each containing 24 1-pound cans, of boysenberries at Prairie View, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 6, 1954. Default decree of condemnation and destruction.

### DRIED FRUIT

21386. Adulteration of raisins. U. S. v. 39 Cases \* \* \*. (F. D. C. No. 36718. Sample No. 68011-L.)

LIBEL FILED: April 21, 1954, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 2, 1953, from Fresno, Calif.

PRODUCT: 39 cases, each containing 20 packages, of raisins at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins, and of a decomposed substance by reason of the presence of sour and moldy raisins. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 21, 1954. Default decree of condemnation and destruction.

### VEGETABLES\*

**21387. Adulteration of chickpeas. U. S. v. 5 Bags \* \* \*. (F. D. C. No. 36532. Sample No. 52944-L.)**

LABEL FILED: April 27, 1954, Eastern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States on or about September 27, 1953.

PRODUCT: 5 110-pound bags of chickpeas at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 16, 1954. Default decree of condemnation and destruction.

**21388. Adulteration of canned sweetpotatoes. U. S. v. 80 Cases \* \* \*. (F. D. C. No. 36488. Sample No. 72655-L.)**

LABEL FILED: April 6, 1954, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about February 11, 1953, from Roanoke, Va. This was a return shipment.

PRODUCT: 80 cases, each containing 24 cans, of sweetpotatoes at West Jefferson, N. C.

LABEL, IN PART: (Can) "Pride O' Ashe Brand \* \* \* Fancy Whole Sweet Potatoes Packed In Heavy Syrup \* \* \* Contents 1 Lb. 13 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 15, 1954. Default decree of condemnation and destruction.

**21389. Adulteration of olives with pimentos. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36338. Sample No. 81740-L.)**

LABEL FILED: March 18, 1954, District of Nebraska.

ALLEGED SHIPMENT: On or about July 27 and November 30, 1953, by Holsum Products, from Kansas City, Mo.

PRODUCT: 18 cases, each containing 24 jars, of olives with pimentos at Lincoln, Nebr.

LABEL, IN PART: (Jar) "Crown Brand Salad Olives With Pimentos Net Wt. 4 $\frac{3}{4}$  Ozs. (or 4 $\frac{1}{2}$  Ozs.)."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged olives.

DISPOSITION: May 25, 1954. Default decree of condemnation and destruction.

\*See also No. 21393.

**TOMATOES AND TOMATO PRODUCTS**

**21390. Adulteration of canned tomatoes. U. S. v. 197 Cases, etc. (F. D. C. No. 36333. Sample Nos. 63831-L, 63832-L.)**

**LIBEL FILED:** February 26, 1954, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 28, 1954, by the Winorr Canning Co., from Circleville, Ohio.

**PRODUCT:** 197 cases, each containing 24 1-pound, 4-ounce cans, and 48 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Flat River, Mo.

**LABEL, IN PART:** (Can) "Sword Tomatoes" and "Plee-Zing Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 5, 1954. Default decree of condemnation and destruction.

**21391. Adulteration of tomato puree. U. S. v. 174 Cases \* \* \*. (F. D. C. No. 36524. Sample Nos. 84160-L, 84168-L.)**

**LIBEL FILED:** April 23, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 4, 1951, by the Chester Packing Co., from Chestertown, Md.

**PRODUCT:** 174 cases, each containing 6 cans, of tomato puree at Atlantic City, N. J.

**LABEL, IN PART:** (Can) "Chester Brand Tomato Puree \* \* \* Contents 6 Lbs. 8 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** May 25, 1954. Default decree of condemnation and destruction.

**NUTS**

**21392. Adulteration of shelled peanuts. U. S. v. 405 Bags \* \* \*. (F. D. C. No. 36478. Sample No. 75255-L.)**

**LIBEL FILED:** April 1, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 8, 1954, by the Columbian Peanut Co., from Enfield, N. C.

**PRODUCT:** 405 100-pound bags of shelled peanuts at Suffolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 7, 1954. The Columbian Peanut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 430 pounds were found unfit and were destroyed.

21393. Adulteration of unshelled pecans, pinto beans, black-eyed beans, and Great Northern beans. U. S. v. 7 Bags, etc. (F. D. C. No. 36518. Sample Nos. 62802-L, 62803-L, 62805-L, 62806.)

LIBEL FILED: April 19, 1954, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 21, 25, and 27, and December 3, 1953, from Waycross, Ga., and Merrill, Nebr.

PRODUCT: 7 50-pound bags of unshelled pecans, 17 100-pound bags of pinto beans, 18 25-pound bags of black-eyed beans, and 22 25-pound bags of Great Northern beans at Jackson, Tenn., in possession of the Central Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta and rodent-gnawed nuts in the pecans, and pigeon excreta in the beans; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1954. Default decree of condemnation. The court ordered that the products be delivered to a county institution, for use as animal feed.

21394. Adulteration of shelled English walnuts. U. S. v. 50 Cartons \* \* \*. (F. D. C. No. 36328. Sample No. 83951-L.)

LIBEL FILED: February 20, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about May 14, 1953, from Los Angeles, Calif.

PRODUCT: 50 25-pound cartons of shelled English walnuts at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 30, 1954. The Pearson Candy Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. 137 pounds of the product were found unfit and were destroyed.

## POULTRY

21395. Adulteration of dressed poultry. U. S. v. 29 Crates \* \* \*. (F. D. C. No. 36164. Sample No. 73589-L.)

LIBEL FILED: December 4, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1953, by Delaware Produce Co., Inc., from Milton, Del.

PRODUCT: 29 crates, containing a total of 2,082 pounds, of dressed poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with dirt, fecal matter, and crop material, and it was otherwise

unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: March 23, 1954. Default decree of condemnation and destruction.

**21396. Adulteration of dressed poultry.** U. S. v. 10 Crates \* \* \*. (F. D. C. No. 36152. Sample No. 51934-L.)

LIBEL FILED: December 3, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about November 12, 1953, by the Allied Poultry Processors Co., from Frankford, Del.

PRODUCT: 10 crates of dressed poultry at New York, N. Y.

LABEL, IN PART: (Wrapper) "Premier Brand Poultry \* \* \* Cranbury Poultry Company Cranbury, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21397. Adulteration of coriander seed.** U. S. v. 200 Bags \* \* \*. (F. D. C. No. 36118. Sample No. 52099-L.)

LIBEL FILED: November 19, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 19, 1951, from India.

PRODUCT: 200 82-pound bags of coriander seed at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. The Otto Gerdau Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21398. Adulteration of mace.** U. S. v. 105 Cases \* \* \*. (F. D. C. No. 34405. Sample No. 23311-L.)

LIBEL FILED: December 10, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1952, by Safe Owl Products, Inc., Brooklyn, N. Y., to the United States Army, Port of Embarkation, Brooklyn, N. Y., for shipment to the United States Army in Europe.

PRODUCT: 105 cases, each containing 48 tins, of mace at Brooklyn, N. Y.

LABEL, IN PART: (Tin) "Safe Owl Finer Foods Ground Mace 4 Oz. Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs.

DISPOSITION: July 16, 1954. Safe Owl Products, Inc., having appeared as claimant and later having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21399. Adulteration of pepper salad.** U. S. v. 19 Cases \* \* \*. (F. D. C. No. 36260. Sample No. 82651-L.)

LIBEL FILED: December 18, 1953, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 12, 1953, by the De Luxe Products Co., from McKees Rocks, Pa.

PRODUCT: 19 cases, each containing 24 bottles, of pepper salad at Youngstown, Ohio.

LABEL, IN PART: (Bottle) "Contents 8 Fl. Oz. Meal Joy Pepper Salad."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: January 15, 1954. Default decree of condemnation and destruction.

**21400. Adulteration of salt.** U. S. v. 225 Bags, etc. (F. D. C. No. 36376. Sample Nos. 75454-L, 75455-L.)

LIBEL FILED: February 8, 1954, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about January 15 and 21, 1953, from New York and Watkins Glen, N. Y.

PRODUCT: 225 100-pound bags and 38 50-pound bags of salt at Ahoskie, N. C., in possession of W. H. Basnight & Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 10, 1954. Default decree of condemnation and destruction.

On June 22, 1954, an amended decree was entered providing for the delivery of the product to a State institution, for use in the manufacture of feed products for animal consumption.

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U. S. Department of Health, Education, and Welfare  
U. S. DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG ADMINISTRATION

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21401-21450

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FOODS

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 15, 1955.

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**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**21401. Adulteration of ice cream cones.** U. S. v. 28 Cans \* \* \*. (F. D. C. No. 36387. Sample No. 75169-L.)

**LIBLE FILED:** On or about February 10, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about December 4, 1953, and January 16, 1954, by the Sandler's R-Good Cake Cone Co., from Baltimore, Md.

**PRODUCT:** 28 cans of ice cream cones at Falls Church, Va.

**LABEL, IN PART:** (Can) "Sandler's R Good 300 Rolled Sugar Cones."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 20, 1954. Default decree of condemnation and destruction.

**FLOUR**

**21402. Adulteration of flour.** U. S. v. 575 Bags \* \* \*. (F. D. C. No. 36699. Sample No. 72422-L.)

**LIBLE FILED:** On or about March 29, 1954, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 14, 1953, from Salina, Kans.

**PRODUCT:** 575 25-pound bags of flour at Williamson, W. Va., in possession of the Williamson Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and gnawed paper from bags; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1954. The Williamson Grocery Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing under the supervision of the Department of Health, Education, and Welfare. The entire amount of the product was denatured for use as animal feed.

**21403. Adulteration of flour.** U. S. v. 100 Bags \* \* \*. (F. D. C. No. 36684. Sample No. 83651-L.)

**LIBLE FILED:** March 12, 1954, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 5, 1953, from Atchison, Kans.

**PRODUCT:** 100 50-pound bags of flour at Des Moines, Iowa, in possession of Grocers Wholesale Coop., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 21, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable or public institution, for use as animal feed.

**21404. Adulteration of flour. U. S. v. 5 Bags, etc.** (F. D. C. No. 36290. Sample Nos. 65524-L, 65525-L.)

**LIBEL FILED:** January 15, 1954, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about December 2 and 11, 1953, from Minneapolis, Minn.

**PRODUCT:** 34 100-pound bags of flour at Wausau, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1954. The Jaeger Baking Co., Wausau, Wis., claimant, having admitted that the product was subject to condemnation, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration. 324 pounds of the product were found unfit and were denatured for use as animal feed.

**21405. Adulteration of flour. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 36706. Sample Nos. 85827-L, 85828-L.)**

**LIBEL FILED:** March 31, 1954, Western District of Texas

**ALLEGED SHIPMENT:** On or about December 4, 1953, and January 21, 1954, from Monte Vista, Colo.

**PRODUCT:** 5 50-pound bags and 13 100-pound bags of flour at El Paso, Tex., in possession of the M. A. Gomez Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 15, 1954. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**21406. Adulteration of flour. U. S. v. 34 Bags \* \* \*. (F. D. C. No. 36157. Sample No. 69709-L.)**

**LIBEL FILED:** On or about December 8, 1953, District of New Mexico.

**ALLEGED SHIPMENT:** On or about September 10, 1953, from Plainview, Tex.

**PRODUCT:** 34 25-pound bags of flour at Roswell, N. Mex., in possession of the Roswell Trading Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 11, 1954. Default decree of condemnation and destruction.

**21407. Adulteration of flour. U. S. v. 23 Bags, etc. (F. D. C. No. 36178. Sample Nos. 69731-L to 69734-L, incl.)**

**LIBEL FILED:** On or about December 9, 1953, District of New Mexico.

ALLEGED SHIPMENT: On or about September 19, October 19, and November 3, 1953, from Amarillo, Tex.

PRODUCT: 79 100-pound bags and 56 50-pound bags of flour at Roswell, N. Mex., in possession of the Waples-Platter Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 11, 1954. Default decree of condemnation and destruction.

**21408. Adulteration of flour. U. S. v. 260 Bags \* \* \*. (F. D. C. No. 36007.)**  
Sample No. 69649-L.)

LIBEL FILED: December 1, 1953, Western District of Texas.

ALLEGED SHIPMENT: On or about October 7, 1953, from Pueblo, Colo.

PRODUCT: 260 25-pound bags of flour at El Paso, Tex., in possession of the R. G. Amezcua Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 28, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21409. Adulteration of flour. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 36446.)**  
Sample No. 72664-L.)

LIBEL FILED: March 12, 1954, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 21, 1953, from Roanoke, Va.

PRODUCT: 12 cases, each containing 10 5-pound packages, of flour at Mount Airy, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 7, 1954. Default decree of condemnation and destruction.

**21410. Adulteration of flour. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 36685.)**  
Sample No. 69748-L.)

LIBEL FILED: March 15, 1954, District of Colorado.

ALLEGED SHIPMENT: On or about August 18 and November 16, 1953, from Wichita, Kans.

PRODUCT: 18 50-pound bags of flour at Walsenburg, Colo., in possession of the Sporleder Selling Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary

conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 4, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21411. Adulteration of flour. U. S. v. 102 Bags, etc. (F. D. C. No. 36177. Sample Nos. 83872-L to 83876-L, incl.)**

**LIBLE FILED:** December 4, 1953, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 31, September 16 and 19, and October 13 and 23, 1953, from Twin City Transfer, Minn., and Lincoln and Omaha, Nebr.

**PRODUCT:** 389 50-pound bags of flour at Decorah, Iowa, in possession of S. E. Brickner & Son.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1953, S. E. Brickner & Son, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction, or conversion into animal feed of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. 343 bags of the product were found unfit and were denatured.

**21412. Adulteration of flour, candy, candied popcorn, and chewing gum. U. S. v. Nash-Finch Co. and Claude Holcomb. Pleas of nolo contendere. Fine of \$350 against company and \$175 against individual, plus costs. (F. D. C. No. 35575. Sample Nos. 61971-L, 61973-L, 61975-L, 61976-L, 62003-L to 62006-L, incl.)**

**INFORMATION FILED:** May 25, 1954, District of Nebraska, against the Nash-Finch Co., a corporation, Hastings, Nebr., and Claude Holcomb, manager of the corporation's Hastings warehouse.

**ALLEGED VIOLATION:** Between the approximate dates of November 19, 1952, and October 19, 1953, the defendants received at Hastings, Nebr., various quantities of flour, candy, candied popcorn, and chewing gum, which had been shipped in interstate commerce from the States of Pennsylvania, Minnesota, Iowa, Illinois, and Missouri.

While the products were held for sale after shipment in interstate commerce, the defendants, during the period from on or about November 19, 1952, to on or about November 19, 1953, caused various quantities of the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent-gnawed candy, rodent excreta, rodent-gnawed chewing gum, and rodent urine; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 21, 1954. The defendants having entered pleas of nolo contendere, the court fined the corporation \$350 and the individual \$175, plus costs.

#### MISCELLANEOUS CEREALS

**21413. Adulteration of oats. U. S. v. 63,040 Pounds \* \* \*. (F. D. C. No. 36449.)**  
Sample No. 71868-L.)

LIBEL FILED: March 16, 1954, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 3, 1954, by Pell Beri Farms, Inc., from Racine, Wis.

PRODUCT: 63,040 pounds of oats at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: March 19, 1954. Pell Beri Farms, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, or be destroyed, under the supervision of the Department of Health, Education, and Welfare. The product subsequently was destroyed.

**21414. Adulteration of rice. U. S. v. 30 Bags, etc. (F. D. C. No. 36335. Sample Nos. 83545-L, 83546-L.)**

LIBEL FILED: March 1, 1954, Northern District of Iowa.

ALLEGED SHIPMENT: On or about October 15, 1953, from Stuttgart, Ark.

PRODUCT: 30 25-pound bags and 37 100-pound bags of rice at Sioux City, Iowa, in possession of the Cohen Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 30, 1954. The Cohen Wholesale Grocery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 350 pounds of the product were found unfit and were denatured.

**21415. Adulteration of rice. U. S. v. 9 Bags \* \* \*. (F. D. C. No. 36682. Sample No. 88518-L.)**

LIBEL FILED: March 12, 1954, Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 13, 1954, from Stuttgart, Ark.

PRODUCT: 9 100-pound bags of rice at Sioux City, Iowa, in possession of the Tolerton & Warfield Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions

whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 10, 1954. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, conditioned that it be denatured or otherwise reprocessed for use as animal feed; otherwise, the product was to be destroyed.

**21416. Adulteration of rice. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 36550. Sample No. 80585-L.)**

**LIBEL FILED:** May 6, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** Prior to February 1, 1954, from Eunice, La.

**PRODUCT:** 4 100-pound bags of rice at Trenton, N. J., in possession of Mrs. Erzaks Frozen Foods, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 8, 1954. Default decree of condemnation and destruction.

## EGGS

**21417. Adulteration of frozen eggs. U. S. v. 1,000 Cans, etc. (F. D. C. No. 36702. Sample Nos. 82378-L, 82379-L.)**

**LIBEL FILED:** March 26, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 11 and 14, 1954, by Sherman White & Co., from Fort Wayne, Ind.

**PRODUCT:** 1,836 cans of frozen eggs at Pittsburgh, Pa.

**LABEL, IN PART:** "30 Lbs. Net Weight S-W Brand Frozen Eggs X Blended White & Yolks."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** April 27, 1954. Sherman White & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for inspection and examination, under the supervision of the Food and Drug Administration, in order to determine the amount which might be fit for human consumption. As a result of the examination of the product, 368 cans were found unfit and were destroyed.

**21418. Adulteration of frozen eggs. U. S. v. 165 Cans \* \* \*. (F. D. C. No. 36704. Sample Nos. 85834-L, 85835-L, 85838-L.)**

**LIBEL FILED:** April 1, 1954, Western District of Texas.

**ALLEGED SHIPMENT:** On or about January 29, February 12 and 22, and March 15, 1954, by the Laughlin Co., from Clovis, N. Mex., by the Hollywood Egg Co., from Albuquerque, N. Mex., and by the Mountain View Egg Co., from Las Cruces, N. Mex.

**PRODUCT:** 165 30-pound cans of frozen eggs at El Paso, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** May 15, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

**21419. Adulteration and misbranding of fish fillets and fish sticks. U. S. v. 76 Cases, etc. (F. D. C. No. 36451. Sample Nos. 59868-L to 59871-L, incl.)**

**LIBEL FILED:** March 16, 1954, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 9 and December 15, 1953, and January 11, 23, and 27, and February 8, 1954, by the Sea Pak Corp., from St. Simons Island, Ga.

**PRODUCT:** 76 cases, each containing 7 boxes, and 49 cases, each containing 24 packages, of fish sticks, and 101 cases, each containing 24 packages, and 51 cases, each containing 6 boxes, of fish fillets at Charlotte, N. C.

Examination showed that the product in the 49-case lot was a mixture of cod and haddock and that the product in the other lots was haddock.

**LABEL, IN PART:** (Box) "Uni-Serv Breaded Ocean White Fish Sticks Sea Pak 78 tasty 1 oz. fish sticks Ready to cook"; (package) "Breaded Ocean White Fish \* \* \* 12 tasty fish sticks \* \* \* Sea Pak \* \* \* Net Wt. 12 Ozs." and "Breaded Ocean White Fish Skinless—Boned 3 individual fillets \* \* \* Sea Pak \* \* \* Net Wt. 12 Ozs."; (box) "Uni-Serv Breaded Ocean White Fish Sea Pak \* \* \* 20 individual 4 oz. fillets Ready to cook."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), haddock and cod had been substituted for ocean whitefish, which the articles were represented to be.

Misbranding, Section 403 (a), the label statement "Ocean White Fish" was false and misleading as applied to fish which was haddock or a mixture of cod and haddock.

**DISPOSITION:** April 8, 1954. The Sea Pak Corp., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for relabeling in accordance with the law.

**21420. Adulteration of canned anchovies. U. S. v. 69 Cases \* \* \*. (F. D. C. No. 36434. Sample No. 52787-L.)**

**LIBEL FILED:** March 9, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** From a foreign country, prior to January 1, 1954.

**PRODUCT:** 69 cases of anchovies at New York, N. Y. Some of the cases contained 100 cans of the product and other cases contained varying numbers of cans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 30, 1954. Default decree of condemnation and destruction.

**21421. Adulteration of frozen red snappers. U. S. v. 3 Cartons \* \* \*. (F. D. C. No. 36504. Sample No. 50185-L.)**

**LIBEL FILED:** April 14, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 1, 1953, from New York, N. Y.

PRODUCT: 3 100-pound cartons of frozen red snappers at Monmouth Beach, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 18, 1954. Default decree of condemnation and destruction.

**21422. Adulteration of fish roe.** U. S. v. 3 Kegs \* \* \*. (F. D. C. No. 36373. Sample No. 50165-L.)

LIBEL FILED: February 5, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about December 22, 1953, by George Lindal, from Baileys Harbor, Wis.

PRODUCT: 3 kegs, each containing 125 pounds, of fish roe at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: March 1, 1954. Default decree of condemnation and destruction.

**21423. Adulteration of crabmeat.** U. S. v. 49 Cans, etc. (and 1 other seizure action). (F. D. C. Nos. 35883, 35884. Sample Nos. 48151-L, 48152-L.)

LIBELS FILED: On or about November 25, 1953, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 19, 1953, by the Pascagoula Crab Co., from Pascagoula, Miss.

PRODUCT: 49 1-pound cans of "special" crabmeat and 89 1-pound cans of claw crabmeat at New Orleans, La. Examination showed that the product was contaminated with *E. coli* of fecal origin.

LABEL, IN PART: (Can) "Pascagoula Crab Co. Claw Crab Meat [or "Special Crab Meat"]."'

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 23, 1953. Default decrees of condemnation and destruction.

**21424. Adulteration of oysters.** U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 35984. Sample No. 72179-L.)

LIBEL FILED: November 19, 1953, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about November 7, 1953, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 2 barrels, each containning 160 cans, of oysters at Knoxville, Tenn.

LABEL, IN PART: (Can) "Oysters Standards One Pint Pride of the Chesapeake Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 30, 1953. Default decree of condemnation and destruction.

**21425. Misbranding of oysters. U. S. v. 767 Cans, etc. (F. D. C. No. 35986.)**  
Sample Nos. 79540-L, 79542-L.)

LIBEL FILED: November 19, 1953, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 14, 1953, by W. F. Morgan & Son, from Weems, Va.

PRODUCT: 767 cans and 5,252 cans of oysters at Indianapolis, Ind.

LABEL, IN PART: (767-can lot) "Oysters Standards Net Contents 12 Fl. Oz.";  
(5,252-can lot) "Booths Famous Foods Fresh Atlantic Coast Oysters One Pint Contents \* \* \* Oysters Standards."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article in both size cans was short volume.)

DISPOSITION: November 19, 1953. W. F. Morgan & Son, claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

**21426. Adulteration of oysters. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 35987.)**  
Sample No. 72383-L.)

LIBEL FILED: On or about November 23, 1953, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 14, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 2 barrels, containing a total of 244 cans, of oysters at Charleston, W. Va.

LABEL, IN PART: (Can) "Selects Oysters \* \* \* Pride of Chesapeake Bay Oysters One Pint Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: November 25, 1953. The sole intervenor having consented to the delivery of the product to a charitable institution, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

**21427. Adulteration and misbranding of oysters. U. S. v. 118 Cans \* \* \*. (F. D. C. No. 35993. Sample No. 73784-L.)**

LIBEL FILED: November 27, 1953, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 21, 1953, by W. Preston Whorton, from Baltimore, Md.

PRODUCT: 118 cans of oysters at Kingston, Pa.

LABEL, IN PART: "Delicious Oysters One Pint Net Fresh Raw Oysters \* \* \* Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added

to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: March 9, 1954. Default decree of condemnation and destruction.

**21428. Adulteration of oysters. U. S. v. 84 Cans \* \* \*. (F. D. C. No. 35985. Sample No. 72451-L.)**

LIBEL FILED: November 19, 1953, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 1953, by George A. Christy & Son, from Crisfield, Md.

PRODUCT: 84 cans of oysters at Cairo, Ill.

LABEL, IN PART: "Oysters Standards Christy's Choice Quality Oysters One Pint Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: December 30, 1953. Default decree of condemnation and destruction.

**21429. Adulteration of canned shrimp and fresh crabmeat. U. S. v. Reuther's Seafood Co., Inc. Plea of guilty. Fine, \$1,200. (F. D. C. No. 35788. Sample Nos. 21463-L, 46807-L to 46810-L, incl., 47638-L.)**

INFORMATION FILED: March 31, 1954, Eastern District of Louisiana, against Reuther's Seafood, Co., Inc., New Orleans, La.

ALLEGED SHIPMENT: On or about August 11, 19, and 20, and September 14, 1953, from the State of Louisiana into the States of Pennsylvania, Georgia, Texas, and Ohio.

LABEL, IN PART: (Can) "Reuther's One Pound Net Weight Crab Meat" and "Marvelous Brand Small Wet Pack Drained Wt. 5 Ozs. Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned shrimp consisted in part of a decomposed substance by reason of the presence of decomposed shrimp, and the fresh crabmeat consisted in part of a filthy substance by reason of the presence of fecal micro-organisms; and, Section 402 (a) (4), the fresh crabmeat was prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1954. The defendant having entered a plea of guilty, the court fined it \$1,200.

**21430. Adulteration of canned shrimp. U. S. v. 191 Cases \* \* \*. (F. D. C. No. 36285. Sample No. 69919-L.)**

LIBEL FILED: January 13, 1954, District of Colorado.

ALLEGED SHIPMENT: On or about September 14 and November 5, 1953, by the Anticich Canning Co., from Biloxi, Miss.

PRODUCT: 191 cases, each containing 24 cans, of shrimp at Denver, Colo.

LABEL, IN PART: (Can) "American Beauty Small Wet Pack Shrimp Drained Weight 5 Ounces."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** June 21, 1954. A. J. Authement, doing business as the Authement Packing Co., Houma, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 544 cans of the product were found unfit and were destroyed.

**21431. Adulteration of canned shrimp.** U. S. v. 91 Cases \* \* \*. (F. D. C. No. 36251. Sample No. 47843-L.)

**LIBLE FILED:** December 14, 1953, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about November 1, 1953, by the Authement Packing Co., from Biloxi, Miss.

**PRODUCT:** 91 cases, each containing 24 5-ounce cans, of shrimp at Houma, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 5, 1954. Alphonse J. Authement, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 57 cases and 11 cans of the product were found unfit and were destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21432. Adulteration of canned blueberries.** U. S. v. 12 Cases \* \* \*. (F. D. C. No. 36793. Sample No. 80594-L.)

**LIBLE FILED:** May 14, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** During or about November 1951, by C & E Canners, from Folsom, N. J.

**PRODUCT:** 12 cases, each containing 30 cans, of blueberries at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Garden Brand Contents 14½ Oz. Avoir. Cultivated Large Dessert Blueberries In Heavy Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21433. Misbranding of canned cherries.** U. S. v. 70 Cases \* \* \*. (F. D. C. No. 36698. Sample No. 82141-L.)

**LIBLE FILED:** March 25, 1954, District of Kansas.

**ALLEGED SHIPMENT:** On or about March 8, 1954, by Lady Baltimore Mfg. & Sales, from Kansas City, Mo.

**PRODUCT:** 70 cases, each containing 6 cans, of cherries at Kansas City, Kans.

LABEL, IN PART: (Can) "Samary Brand Pitted Water Pack Red Sour Cherries \* \* \* Contents 6 Lbs. 7 Ozs. Packed By Samary Food Products Coopersville, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for pitted canned cherries since more than 1 pit was present in each 20 ounces of canned cherries, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: June 2, 1954. Default decree of condemnation. The court ordered that the product be turned over to a Federal institution for its use.

### JAMS, JELLIES, AND PRESERVES

21434. Adulteration of strawberry jam. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 35940. Sample No. 74277-L.)

LIBEL FILED: October 28, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about July 13, 1953, from Odense, Denmark.

PRODUCT: 21 cases, each containing 24 16-ounce jars, of strawberry jam at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 25, 1953. Default decree of condemnation and destruction.

21435. Misbranding of fruit jellies. U. S. v. Colonial Mfg. Co., Inc., and Leamon T. Wilkes. Pleas of guilty. Fine of \$1,400 against corporation and \$700 against individual. (F. D. C. No. 35185. Sample Nos. 53191-L, 53193-L, 53210-L, 62541-L, 62542-L.)

INDICTMENT RETURNED: February 8, 1954, Western District of Oklahoma, against Colonial Mfg. Co., Inc., Oklahoma City, Okla., and Leamon T. Wilkes, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of September 24, 1952, and March 7, 1953, from the State of Oklahoma into the States of Missouri and Arkansas.

LABEL, IN PART: (Jar) "Colonial Pure Apple-Black Raspberry Jelly Net Weight 2 Lbs. [or "12 Oz."] Manufactured by Colonial Manufacturing Co., Inc. Oklahoma City, Okla.;" "Milligan Leader Pure Apple-Black Raspberry [or "Apple-Grape" or "Apple-Strawberry"] Jelly Net Wt. 12 Ozs. Distributed By G. D. Milligan Grocer Co. Springfield, Mo.;" "Net Weight 12 Oz. Zestee Pure Apple-Grape [or "Apple-Strawberry"] Jelly Manufactured by Colonial Manufacturing Company, Inc. Oklahoma City, Okla."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for fruit jellies since the articles were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients, and the articles failed also to conform to the definitions and standards of identity since they contained artificial coloring, which is not permitted by the definitions and standards as an optional ingredient of the jellies involved.

Further misbranding, Section 403 (e) (2), a portion of the apple-black raspberry jelly failed to bear a label containing an accurate statement of the quantity of the contents in that the label statement "Net Weight 2 Lbs." was inaccurate since the jars of the article contained less than two pounds.

**DISPOSITION:** February 17, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,400 and the individual \$700.

**21436. Misbranding of fruit preserves and fruit jellies. U. S. v. St. Joseph Foods, Inc. Plea of nolo contendere. Fine, \$700. (F. D. C. No. 35151. Sample Nos. 43876-L, 43877-L, 43881-L, 43882-L, 43890-L, 43892-L to 43895-L, incl.)**

**INFORMATION FILED:** November 20, 1953, Western District of Missouri, against St. Joseph Foods, Inc., St. Joseph, Mo.

**ALLEGED SHIPMENT:** On or about July 25, August 9, September 15, and October 13 and 27, 1952, from the State of Missouri into the State of Nebraska.

**LABEL, IN PART:** (Jar) "Albert's Finest Pure Red Cherry [or "Peach" or "Pineapple"] Preserves Net Wt. 12 Ozs. Louis Albert & Son Food Co., Omaha, Nebr." and "Albert's Finest Pure Black Raspberry [or "Grape," "Strawberry," or "Red Raspberry"] Jelly Net Wt. 12 Ozs. Louis Albert & Son Food Co. Omaha, Nebr."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the articles, with the exception of the black raspberry jelly, failed to bear labels containing accurate statements of the quantity of the contents. (Examination showed that the articles, with the exception of the black raspberry jelly, were short weight.)

Further misbranding, Section 403 (g) (1), the articles, with the exception of the grape jelly, failed to conform to the definitions and standards of identity for fruit preserves and jellies. The red cherry preserves and pineapple preserves had a soluble-solids content of less than 68 percent, the minimum permitted by the definitions and standards for such preserves; and the peach preserves had a soluble-solids content of less than 65 percent, which is the minimum permitted by the definition and standard of identity for peach preserves. The jellies, with the exception of the grape jelly, contained smaller amounts of the fruit juice ingredients than is permitted by the definitions and standards for jellies in that the jellies, with the exception of the grape jelly, were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients.

**DISPOSITION:** March 15, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$700.

**21437. Adulteration and misbranding of fruit preserves. U. S. v. 3 Cases, etc. (F. D. C. No. 36167. Sample Nos. 78838-L to 78840-L, incl.)**

**LIBEL FILED:** December 3, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 13 and 14, 1953, by the G. W. Bagwell Preserving Co., from Chattanooga, Tenn.

**PRODUCT:** 3 cases, each containing 24 12-ounce jars, of grape preserves, 9 cases, each containing 24 12-ounce jars, of seedless raspberry preserves, and 18 cases, each containing 24 12-ounce jars, of pineapple preserves at Owensboro, Ky.

**LABEL, IN PART:** (Jar) "Home Style Pure Grape Preserves [or "Seedless Raspberry Preserves" or "Pineapple Preserves"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for grape, raspberry, and pineapple preserves, respectively, which the articles were represented to be.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for fruit preserves since the articles were made from a mixture composed of less than 45 parts by weight of the fruit (grape, raspberry, or pineapple) ingredient to each 55 parts by weight of one of the sweetening ingredients specified in the definitions and standards.

**DISPOSITION:** February 4, 1954. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

**21438. Adulteration of cherry preserves.** U. S. v. 112 Cans \* \* \*. (F. D. C. No. 35526. Sample No. 61048-L.)

**LIBEL FILED:** October 5, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about August 5, 1953, from Joplin, Mo.

**PRODUCT:** 112 8-pound, 6-ounce cans, of cherry preserves at Kansas City, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 1, 1953. Default decree of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

**21439. Adulteration of canned corn.** U. S. v. 194 Cases \* \* \*. (F. D. C. No. 36738. Sample No. 72690-L.)

**LIBEL FILED:** On or about May 19, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about September 21, 1953, by the Crites Milling Co., from Ashville, Ohio.

**PRODUCT:** 194 cases, each containing 24 cans, of corn at Grundy, Va.

**LABEL, IN PART:** (Can) "Crites Best Cream Style Golden Sweet Corn \* \* \* Contents 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

**DISPOSITION:** July 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use other than for human consumption.

**21440. Misbranding of sweet peppers.** U. S. v. 73 Cases \* \* \*. (F. D. C. No. 36360. Sample No. 52768-L.)

**LIBEL FILED:** January 26, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 10, 1953, by the Leibowitz Pickle Products, from Brooklyn, N. Y.

**PRODUCT:** 73 cases, each containing 4 1-gallon jars, of sweet peppers at Perth Amboy, N. J. Examination showed that the product contained artificial coloring, FD&C Yellow No. 5, and a chemical preservative, benzoate of soda.

LABEL, IN PART: (Jar) "Red Rose Presents Sweet Peppers Contains: Peppers, Water, Vinegar, and Salt Contents 1 Qt."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 1 Qt." was inaccurate; and, Section 403 (k), the article contained artificial coloring and a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: February 26, 1954. The Leibowitz Pickle Products, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**21441. Adulteration of potato chips. U. S. v. Red Dot Foods, Inc. Plea of guilty.**  
Fine, \$1,000. (F. D. C. No. 35771. Sample Nos. 65347-L to 65350-L, incl., 65451-L.)

INFORMATION FILED: January 12, 1954, District of Minnesota, against Red Dot Foods, Inc., Minneapolis, Minn.

ALLEGED SHIPMENT: On or about July 20 and 28, 1953, from the State of Minnesota into the State of Iowa.

LABEL, IN PART: (Package) "Scientifically Prepared Red Dot Potato Chips Red Dot Foods, Inc. General Offices: Madison, Wis. Factories: Madison, Wisconsin Minneapolis, Minn. Indianapolis, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed potato material.

DISPOSITION: May 17, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000.

## TOMATOES AND TOMATO PRODUCTS

**21442. Adulteration of canned tomatoes. U. S. v. 990 Cases \* \* \*. (F. D. C. No. 36529. Sample No. 79776-L.)**

LIBEL FILED: April 29, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about February 24, 1954, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 990 cases, each containing 24 cans, of tomatoes at New York, N. Y.

LABEL, IN PART: (Can) "Gigi Brand Unpeeled Plum Tomatoes and Tomato Puree \* \* \* Net Weight 1 Lb. 12 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 24, 1954. Default decree of condemnation and destruction.

**21443. Adulteration of tomato juice. U. S. v. 217 Cases \* \* \*. (F. D. C. No. 36680. Sample No. 85291-L.)**

LIBEL FILED: March 11, 1954, District of Idaho.

ALLEGED SHIPMENT: On or about January 25 and 28, 1954, by the South Ogden Products Corp., from Ogden, Utah.

PRODUCT: 217 cases, each containing 12 cans, of tomato juice at Pocatello, Idaho.

LABEL, IN PART: (Can) "Tastewell Tomato Juice \* \* \* Contents 1 Quart 14 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 19, 1954. Default decree of forfeiture and destruction.

## MEAT AND POULTRY

21444. Adulteration of hams. U. S. v. 23 Hams \* \* \*. (F. D. C. No. 36561. Sample No. 75370-L.)

LIBEL FILED: On or about May 5, 1954, District of Maryland.

ALLEGED SHIPMENT: On or about April 1, 1952, from Smithfield, Va.

PRODUCT: 23 hams, each weighing approximately 13 pounds, at Baltimore, Md., in possession of the Laurel Distributing Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 26, 1954. Default decree of condemnation and destruction.

21445. Adulteration of dressed poultry. U. S. v. J. E. Parker & Co. Plea of guilty. Fine, \$250. (F. D. C. No. 35571. Sample No. 51924-L.)

INFORMATION FILED: May 12, 1954, Southern District of Ohio, against J. E. Parker & Co., a partnership, Eaton, Ohio.

ALLEGED SHIPMENT: On or about September 20, 1953, from the State of Ohio into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

DISPOSITION: July 20, 1954. The defendant having entered a plea of guilty, the court fined it \$250.

21446. Adulteration of poultry parts. U. S. v. 390 Pounds \* \* \*. (F. D. C. No. 36191. Sample No. 51937-L.)

LIBEL FILED: On or about December 22, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1953, by the Producers Cooperative Exchange, from Coatesville, Pa.

PRODUCT: 390 pounds of poultry parts in 6 crates at New York, N. Y.

LABEL, IN PART: (Crate) "B Breast" and "B Legs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty poultry parts; and, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: July 28, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## NUTS

**21447. Adulteration of unshelled peanuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 36732. Sample No. 81810-L.)**

**LIBEL FILED:** May 4, 1954, District of Nebraska.

**ALLEGED SHIPMENT:** On or about November 19, 1953, from Courtland, Va.

**PRODUCT:** 10 100-pound bags of unshelled peanuts at Omaha, Nebr., in possession of W. L. Masterman & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent excreta, and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 7, 1954. Default decree of condemnation and destruction.

**21448. Adulteration of shelled peanuts. U. S. v. 61 Bags \* \* \*. (F. D. C. No. 36709. Sample No. 79297-L.)**

**LIBEL FILED:** April 2, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 27, 1953, from Fitzgerald, Ga.

**PRODUCT:** 61 110-pound bags of shelled peanuts at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 22, 1954. The Andrus-Scofield Co., Columbus, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Department of Health, Education, and Welfare. On June 24, 1954, an amended decree was entered providing for reprocessing of the product by the claimant. As a result of the reprocessing operations, 653½ pounds of the product were found unfit and were denatured.

**21449. Adulteration of shelled peanuts. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 36527. Sample No. 60171-L.)**

**LIBEL FILED:** April 27, 1954, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about March 8, 1954, by the Jones Peanut Co., from Chadbourn, N. C.

**PRODUCT:** 18 120-pound bags of shelled peanuts at Augusta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 11, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as hog feed.

**21450. Adulteration of unshelled pecans. U. S. v. 12,482 Pounds \* \* \*. (F. D. C. No. 36334. Sample No. 47951-L.)**

**LIBEL FILED:** On or about March 3, 1954, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about January 15, 1954, by J. A. Bonds, from Greenwood, Miss.

**PRODUCT:** 12,482 pounds of unshelled pecans in unlabeled bags at Navasota, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid pecans, and it was otherwise unfit for food by reason of the presence of empty shells and pecans having a pronounced smoky odor and taste.

**DISPOSITION:** June 17, 1954. Default decree of condemnation and destruction.

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U. S. DEPARTMENT OF AGRICULTURE

**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21451-21500

**FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *May 9, 1955.*

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## BEVERAGES AND BEVERAGE MATERIALS

**21451. Action to enjoin and restrain interstate shipment of adulterated beer.**

**U. S. v. Rubsam & Horrmann Brewing Co.** Temporary injunction granted. Action subsequently discontinued. (Inj. No. 273.)

**COMPLAINT FILED:** December 9, 1953, Eastern District of New York, against the Rubsam & Horrmann Brewing Co., a corporation, Staten Island, N. Y.

**NATURE OF CHARGE:** That the defendant was engaged in the manufacture and selling of beer and had been and was, at the time of filing the complaint, causing the introduction and delivery for introduction into interstate commerce of beer which was adulterated under Section 402 (a) (3) and (4), in that it consisted in whole or in part of filthy substances by reason of its contamination with insect filth in the course of manufacture so as to result in the incorporation of soluble portions of insect filth in the finished product, and in that the beer had been and was being prepared, packed, and held under insanitary conditions at the defendant's plant whereby it may have become contaminated with filth.

The insanitary conditions in the defendant's plant resulted from and consisted of the presence of live beetles, silverfish, ants, moths, flour beetles, saw-tooth grain beetles, lesser grain borer beetles, larvae, larval cast skins, pupae, cockroaches, insect fragments, clumps of insect excreta and frass, bird feathers, bird excreta, and rodent pellets in and around places in the plant where the raw materials used in the manufacture of the beer were received, conveyed, and stored; in and around equipment used for the conveyance and storage of raw materials; and in and around equipment used for manufacturing and preparing beer. The insanitary conditions resulted also from general carelessness on the part of the defendant and its employees whereby the beer prepared, packed, and held in the defendant's plant was subjected to contamination.

The complaint alleged further that the defendant had on hand at its plant approximately 1,016 barrels of adulterated beer which was to be bottled, canned, or placed in kegs and thereafter distributed, and that a substantial proportion, in the usual and ordinary course of business, would be shipped in interstate commerce, thereby constituting a menace to interstate commerce because of contamination with filth.

**DISPOSITION:** On December 9, 1953, an order was entered directing the defendant to show cause why a preliminary injunction should not issue. This order also enjoined the defendant from introducing or delivering for introduction into interstate commerce any of the stock of the 1,016 barrels of beer then held at the defendant's plant, until such time as a motion for a preliminary injunction had been heard.

Following correction of the objectionable conditions in the defendant's plant and destruction of the adulterated stock of beer, the court entered an order on March 17, 1954, dissolving the injunction of December 9, 1953, and ordering that the action be discontinued.

**21452. Adulteration of unroasted coffee beans. U. S. v. 1,048 Bags \* \* \*. (F. D. C. No. 36307. Sample No. 64362-L.)**

**LIBEL FILED:** February 10, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 20, 1953, by German Merino & Cia, Ltd., from Cundinamarca, Colombia.

**PRODUCT:** 1,048 bags, each containing 140 pounds, of unroasted coffee beans at Seattle, Wash.

**LABEL, IN PART:** "Merino Armenia Excelso Product of Colombia."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, lead, which may have rendered the article injurious to health; and, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, lead, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** February 15, 1954. Machado & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 29½ bags were found unfit and were destroyed.

**21453. Adulteration of unroasted coffee beans. U. S. v. 434 Bags \* \* \*. (F. D. C. No. 35501. Sample Nos. 42102-L to 42106-L, incl.)**

**LIBEL FILED:** September 22, 1953, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 10, 1953, from Colombia.

**PRODUCT:** 434 140-pound bags of unroasted coffee beans at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, lead, which may have rendered the article injurious to health; and, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, lead, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** On October 6, 1953, East Asiatic Co., Inc., San Francisco, Calif., having appeared as claimant for 415 of the 434 bags of the product under seizure and consented to the entry of a decree, judgment of condemnation was entered against the 415 bags, and the court ordered that these bags be released under bond for reconditioning under the supervision of the Food and Drug Administration. On April 6, 1954, the Bunge Corp., San Francisco, Calif., having appeared as claimant for the remaining 19 bags of the product under seizure and consented to the entry of a decree, judgment of condemnation was entered against the 19 bags, and the court ordered that these bags be released under bond for reconditioning under the supervision of the Food and Drug Administration.

As a result of the reconditioning operations, 76 bags from the lot which was released under bond to East Asiatic Co., Inc., and all of the 19 bags released under bond to the Bunge Corp. were found unfit and were destroyed.

**21454. Adulteration of unroasted coffee beans. U. S. v. 174 Sacks \* \* \*. (F. D. C. No. 35476. Sample Nos. 64361-L, 64644-L.)**

**LIBEL FILED:** September 10, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 20, 1953, from Cundinamarca, Colombia.

**PRODUCT:** 174 sacks, each containing 140 pounds, of unroasted coffee beans at Seattle, Wash.

**LABEL, IN PART:** "Merino \* \* \* Armenia Excelso Product of Colombia."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, lead, which may have rendered the article injurious to health; and, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, lead, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** February 15, 1954. Machado & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 128 bags of the product were found unfit and were destroyed.

**21455. Adulteration of unroasted coffee beans. U. S. v. 80 Bags \* \* \*. (F. D. C. No. 35478. Sample No. 55486-L.)**

**LIBEL FILED:** September 11, 1953, Northern District of New York.

**ALLEGED SHIPMENT:** On or about July 27, 1953, from Brazil.

**PRODUCT:** 80 120-pound bags of unroasted coffee beans at Albany, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insect-infested coffee beans. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 19, 1953. Bacon, Stickney & Co., Inc., Albany, N. Y., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was reconditioned, with the result that 224 pounds of the product were found unfit and were destroyed.

**21456. Adulteration of tea. U. S. v. 32 Cases \* \* \*. (F. D. C. No. 36751. Sample No. 67334-L.)**

**LIBEL FILED:** May 28, 1954, Southern District of Alabama

**ALLEGED SHIPMENT:** On or about January 1, 1953, from Galveston, Tex.

**PRODUCT:** Tea. 32 cases, each containing 12 packages and each package containing 100 tea bags, at Mobile, Ala.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 23, 1954. Default decree of condemnation. Since it appeared that certain portions of the product were fit for human consumption, the court ordered that the good portions be delivered to a charitable institution and that the unfit portion be destroyed. 202 of the 216 packages of tea actually seized were found to be fit and were delivered to a charitable institution, and the 14 packages of tea found to be unfit were destroyed.

**CEREALS AND CEREAL PRODUCTS****FLOUR\***

**21457. Adulteration of flour.** U. S. v. 424 Bags \* \* \*. (F. D. C. No. 36012.  
Sample Nos. 61759-L, 61765-L.)

**LIBEL FILED:** December 4, 1953, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 18, 1953, from Minneapolis, Minn.

**PRODUCT:** 424 100-pound bags of flour at Kansas City, Mo.

**RESULTS OF INVESTIGATION:** Inspection disclosed that the article was held under insanitary conditions in the railroad car in which it was shipped.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 11, 1954. The Hogan Bros. Feed Co., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Department of Health, Education, and Welfare.

**21458. Adulteration of flour.** U. S. v. 357 Bags \* \* \*. (F. D. C. No. 36494.  
Sample No. 84165-L.)

**LIBEL FILED:** April 8, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 19, 1953, from Blackwell, Okla.

**PRODUCT:** 357 100-pound bags of flour at Atlantic City, N. J., in possession of Mason Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 19, 1954. The International Milling Co., Blackwell, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 89 bags were found unfit and were denatured for use as stock feed.

**21459. Adulteration of flour.** U. S. v. 378 Bags \* \* \*. (F. D. C. No. 36683.  
Sample No. 88521-L.)

**LIBEL FILED:** March 12, 1954, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 28, 1953, from Lincoln, Nebr.

**PRODUCT:** 378 50-pound bags of flour at Cherokee, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent

\*See also No. 21468.

urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 6, 1954. The United Wholesale Grocery, Cherokee, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion of the unfit portion into animal feed, under the supervision of the Department of Health, Education, and Welfare. 95 bags of the product were found unfit and were denatured for use as animal feed.

**21460. Adulteration of potato flour.** U. S. v. 131 Bags \* \* \*. (F. D. C. No. 36323. Sample No. 42826-L.)

**LIBEL FILED:** February 19, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 31, 1953, from Idaho Falls, Idaho.

**PRODUCT:** 131 100-pound bags of potato flour at West Sacramento, Calif., in possession of the Roush Products Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 2, 1954. The Roush Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for cleaning and reprocessing under the supervision of the Department of Health, Education, and Welfare. The product subsequently was reconditioned, with the result that 545 pounds were found unfit and were destroyed.

**21461. Adulteration of flour.** U. S. v. 62 Bags \* \* \*. (F. D. C. No. 36420. Sample No. 52144-L.)

**LIBEL FILED:** March 3, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 9, 1953, from Omaha, Nebr.

**PRODUCT:** 62 100-pound bags of flour at Brooklyn, N. Y., in possession of Buck Trucking Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 6, 1954. Raymond F. Kilthau, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released for conversion into dog food under the supervision of the Department of Health, Education, and Welfare.

**21462. Adulteration of flour.** U. S. v. 11 Bags \* \* \*. (F. D. C. No. 36314. Sample No. 19754-L.)

**LIBEL FILED:** February 9, 1954, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 13, 1953, from Hastings, Minn.

**PRODUCT:** 11 100-pound bags of flour at Fort Atkinson, Wis., in possession of Arndt's Tastee Bakery.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 11, 1954. Default decree of condemnation. The court ordered that the product be destroyed or that it be sold or otherwise disposed of for some purpose other than for human consumption.

### MACARONI AND NOODLE PRODUCTS

**21463. Adulteration of egg noodles.** U. S. v. Frank J. Steiner. Motion to suppress evidence denied in part. Plea of guilty. Fine, \$1,000. (F. D. C. No. 34320. Sample Nos. 36885-L to 36887-L, incl.)

**INFORMATION FILED:** April 20, 1953, against Frank J. Steiner, a partner in the partnership of Steiner & Co., New York, N. Y.

**ALLEGED SHIPMENT:** On or about September 11, 1952, from the State of New York into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article was prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** The defendant filed a motion for a bill of particulars, which the court, on June 29, 1953, granted in part. Thereafter, the defendant filed a motion for an order to suppress certain evidence obtained by the Food and Drug Administration during inspections of the defendant's plant; and, on February 18, 1954, after consideration of the briefs and arguments of counsel, the court handed down the following opinion:

WEINFELD, *District Judge*: "Upon observation of the witnesses and their demeanor and a further careful review and analysis of the evidence upon the hearing, the conclusion is compelled that the defendant freely and knowingly consented to, and acquiesced in, the inspection of the premises and the taking of photographs on September 9th and September 23rd. The defendant's actions, conduct, and his assistance to Government agents during the course of the inspection fully establish such consent as if it had been formalized in a written document.

"Unless we are to interpret the inspection provision of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. § 374, to require that a ceremonial and formal request be made and that the consent be executed in like manner, the evidence overwhelmingly establishes that the requirements of the statute as to request and consent were fully met on both occasions when the defendant was present.<sup>1</sup> With respect to that part of the inspection on September 23rd, when the defendant was absent and when Exhibits 5A and 5B were taken, upon this record no authority has been shown in Weiner, an employee of the defendant, to grant consent on behalf of the defendant on that occasion, and none may be implied.

"The motion to quash is denied, except as to Exhibits 5A and 5B, and all evidence obtained during the inspection in the absence of Steiner, as to which it is granted."

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<sup>1</sup> Cf. *United States v. Crescent-Kelvan Co.*, 3 Cir., 164 F. 2d 582; *Golden Grain Macaroni Company, Inc. v. United States*, 9 Cir., \* \* \* F. 2d \* \* \*, decided December 28th, 1953.

On July 22, 1954, following a plea of guilty by the defendant, the court fined him \$1,000.

**21464. Adulteration of macaroni, egg noodles, brownie mix, and cake mix. U. S. v. 20 Cases, etc. (F. D. C. No. 36057. Sample Nos. 19846-L, 65377-L to 65380-L, incl., 65411-L.)**

**LIBEL FILED:** October 23, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about June 9 and 20 and September 9, 1950, and May 17, August 24, and October 29, 1951, from Chicago, Ill.

**PRODUCT:** 20 cases, each containing 24 1-pound packages, of macaroni; 21 cases, each containing 24 12-ounce packages, of egg noodles; 6 cases, each containing 24 11-ounce packages, and 15 cases, each containing 24 12-ounce packages, of brownie mix; and 11 cases, each containing 24 16-ounce packages, of cake mix at Muscatine, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** On November 19, 1953, A. Russo & Co., Chicago, Ill., filed an exception to the libel, and on January 2, 1954, the court handed down the following ruling on the exception:

RILEY, *District Judge*: "A. Russo & Company, shipper of the 20 cases of macaroni and 21 cases of egg noodles described in the caption of this cause, has excepted to the legal sufficiency of the libel action herein on the ground that the material allegation of the information, to wit:

5. That the aforesaid articles are adulterated while held for sale after shipment in interstate commerce within the meaning of 21 U. S. C. 342 [402] (a) (3). . . .

does not charge such a violation of the Federal Food, Drug & Cosmetic Act (21 U. S. Code, 301 et seq.) as to warrant their condemnation by these proceedings. The exception was submitted upon the written statements of counsel which have been studied and considered.

"The contention of the shipper is mainly that since the interstate commerce shipment by A. Russo & Co. from Chicago to Chas. L. Mull & Sons, Muscatine, Iowa, in whose possession this libel is based, occurred in 1950, and no infestation by insects was shown to have existed at that time, the government should not be permitted to condemn by reason of deterioration (or adulteration) occurring long after the interstate shipment.

"Sec. 334 (a), Title 21, U. S. Code, as presently worded, of the Federal Food, Drug & Cosmetic Act, and the interpretation thereof contained in *United States v. Sullivan*, 332 U. S. 689, is relied upon by the government to support its action for condemnation, at any time after shipment and prior to its purchase by the ultimate consumer. The objector relied upon *United States v. Phelps Dodge Mercantile Co.*, 157 F. 2d 453. That decision was before the recent amendments to the Federal Food, Drug & Cosmetic Act whereby the provisions of the Act were enlarged to permit a seizure as in this instance. By a supplemental brief just furnished, counsel for A. Russo & Co. concede the authority of *U. S. v. Sullivan* and have thus abandoned their resistance to this action. However, they do suggest that in view of the food becoming infested with insects while in the hands of a third party dealer after the interstate movement, the violation is a minor one and that a warning and a direction to destroy the goods pursuant to Sec. 336, Title 21, U. S. Code, would suffice. That course is something for the administrative officers to consider and not to be decided by the court on an exception to the sufficiency of the libel.

## ORDER

"An exception having been filed herein to the sufficiency of the libel of information by the shipper, A. Russo & Co., and the question having been submitted upon written statements of counsel and duly considered;

"It is Ordered that said exception be and the same is hereby overruled."

On April 10, 1954, A. Russo & Co. having disclaimed any title or interest in the macaroni and egg noodles since their shipment in interstate commerce and no claimants having appeared for any of the products, judgment of condemnation was entered. The court ordered that the products be delivered to a charitable or public institution, for use as animal feed.

**21465. Adulteration of semolina. U. S. v. 75 Bags \* \* \*. (F. D. C. No. 36313. Sample No. 65541-L.)**

**LIBEL FILED:** February 5, 1954, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about September 8, 1953, from Faribault, Minn.

**PRODUCT:** 75 100-pound bags of semolina at Davenport, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 6, 1954. The Crescent Macaroni & Cracker Co., Davenport, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was segregated, with the result that 167 pounds were found unfit and were destroyed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**21466. Adulteration of rice. U. S. v. 200 Bags, etc. (F. D. C. No. 36417. Sample Nos. 60153-L to 60158-L, incl.)**

**LIBEL FILED:** March 12, 1954, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about October 29 and December 28, 1953, and January 14, 15, 21, and 29, 1954, from Rayne, La., and De Witt and Newport, Ark.

**PRODUCT:** 862 25-pound bags, 15 100-pound bags, and 36 10-pound bags of rice at Conway, S. C., in possession of the Carolina Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1954. The Carolina Wholesale Co., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for conversion into animal feed of the portion found to be unfit. 202 bags of the product were found unfit and were denatured for use as animal feed.

\*See also No. 21464.

**21467. Adulteration of rice. U. S. v. 39 Bags \* \* \*. (F. D. C. No. 36426.  
Sample No. 57953-L.)**

**LIBEL FILED:** March 15, 1954, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 28, 1953, from Jonesboro, Ark.

**PRODUCT:** 39 100-pound bags of rice at Greenville, N. C., in possession of the Ormond Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 14, 1954. The Ormond Wholesale Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging under the supervision of the Food and Drug Administration. As a result of the salvaging operations, one of the 39 bags of the product under seizure was found to be good and was released. The remainder of the bags were denatured for distribution as animal feed.

**21468. Adulteration of rice and flour. U. S. v. 16 Bags, etc. (F. D. C. No. 36756. Sample Nos. 88630-L, 89491-L.)**

**LIBEL FILED:** On or about June 3, 1954, District of North Dakota.

**ALLEGED SHIPMENT:** On or about November 3 and December 21, 1953, from De Witt, Ark., and Bozeman, Mont.

**PRODUCT:** 16 100-pound bags of rice and 23 100-pound bags of flour at Jamestown, N. Dak., in the possession of the Nash-Finch Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 20, 1954. Default decree of condemnation and destruction.

**21469. Adulteration of bulgur (wheat cereal). U. S. v. 2 Bags, etc. (F. D. C. No. 36456. Sample No. 50426-L.)**

**LIBEL FILED:** On or about March 23, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 15, 1953, and February 1, 1954, by Ararat Co., Inc., from Cambridge, Mass.

**PRODUCT:** 2 50-pound bags and 16 99-pound bags of bulgur at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 8, 1954. Default decree of condemnation and destruction.

**CHOCOLATE, SUGAR, AND RELATED PRODUCTS****CANDY**

**21470. Adulteration of candy. U. S. v. 236 Boxes, etc. (F. D. C. No. 36432.**  
Sample Nos. 62790-L, 62792-L, 62793-L.)

**LIBEL FILED:** March 9, 1954, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 18, 1954, by Ucanco Candy Co., Inc.,  
from Greensboro, N. C.

**PRODUCT:** 236 boxes, each containing 40 candy bars, and 384 boxes, each con-  
taining 50 candy bars, at Memphis, Tenn.

**LABEL, IN PART:** (Bar) "Hello! Ol'Timer Net Weight 1 Oz. \* \* \* Milk Nut  
Bar 5¢." and "Nt. Wt. 1 Oz. 5¢ Toastie."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insect frag-  
ments, insects, and rodent hairs; and, Section 402 (a) (4), the article had  
been prepared under insanitary conditions whereby it may have become con-  
taminated with filth.

**DISPOSITION:** April 9, 1954. Default decree of condemnation. The court or-  
dered that the product be delivered to a county institution, for use as animal  
feed.

**21471. Adulteration of candy. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 36750.**  
Sample No. 80407-L.)

**LIBEL FILED:** May 26, 1954, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about April 29, 1954, by the California Peanut Co.,  
from Oakland, Calif.

**PRODUCT:** 10 cases of candy at Pasco, Wash.

**LABEL, IN PART:** "Item No. B-2 Choc. All Nut Asst Pack 23 Lbs Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted  
in whole or in part of a filthy substance by reason of the presence of insect  
parts; and, Section 402 (a) (4), the article had been prepared under insanitary  
conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 21, 1954. Default decree of condemnation and destruction.

**COCOA**

**21472. Adulteration of cocoa. U. S. v. 204 Bags \* \* \*. (F. D. C. No. 36112.**  
Sample No. 50397-L.)

**LIBEL FILED:** November 19, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 1, 1953, by Mansfield Chocolate, Inc.,  
from Mansfield, Mass.

**PRODUCT:** 204 100-pound bags of cocoa at Staten Island, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a filthy substance by reason of the presence of insect frag-  
ments and rodent hair fragments; and, Section 402 (a) (4), the article had  
been prepared under insanitary conditions whereby it may have become con-  
taminated with filth.

**DISPOSITION:** January 14, 1954. Default decree of condemnation and destruc-  
tion.

**21473. Adulteration of cocoa.** U. S. v. 14 Bags \* \* \*. (F. D. C. No. 35958  
Sample No. 54272-L.)

**LIBEL FILED:** November 10, 1953, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about August 24 and September 4, 1953, by Mansfield Chocolate, Inc., from Mansfield, Mass.

**PRODUCT:** 14 100-pound bags of cocoa at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 20, 1954. Default decree of condemnation and destruction.

**21474. Adulteration of cocoa.** U. S. v. 4 Bags \* \* \*. (F. D. C. No. 35957.  
Sample No. 79102-L.)

**LIBEL FILED:** November 9, 1953, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 15, 1953, by Mansfield Chocolate, Inc., from Mansfield, Mass.

**PRODUCT:** 4 100-pound bags of cocoa at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 7, 1953. Default decree of condemnation and destruction.

**21475. Adulteration of cocoa beans.** U. S. v. 230 Bags \* \* \*. (F. D. C. No. 35067. Sample Nos. 64630-L, 64653-L.)

**LIBEL FILED:** June 4, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 30, 1952, and February 20, 1953, from New York, N. Y.

**PRODUCT:** 230 150-pound bags of cocoa beans at Seattle, Wash., in possession of the Washington Chocolate Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3) the article consisted in whole or in part of a filthy substance by reason of the presence of moldy and insect-damaged cocoa beans; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 15, 1953. The Washington Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Department of Health, Education, and Welfare. 300 pounds of the product were segregated as unfit and were destroyed.

**21476. Adulteration of cocoa beans.** U. S. v. 24 Bags, etc. (F. D. C. No. 36438.  
Sample No. 52825-L.)

**LIBEL FILED:** March 11, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** During July 1952, from Brazil.

**PRODUCT:** 24 100-pound bags and 3 40-pound bags of cocoa beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt and insect excreta, and of a decomposed substance by reason of the presence of moldy cocoa beans. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 13, 1954. Default decree of condemnation and destruction.

### SIRUP

**21477. Adulteration of sirup.** U. S. v. 58 Cases \* \* \*. (F. D. C. No. 36737.  
Sample No. 88490-L.)

**LIBEL FILED:** May 6, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** Approximately 3 years prior to May 1954, from Keokuk, Iowa.

**PRODUCT:** 58 cases, each containing 6 5-pound jars, of white sirup at Waseca, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 24, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

### SUGAR

**21478. Alleged adulteration of sugar.** U. S. v. DeBauge Bros., Inc., and Laurent J. DeBauge and Paul L. DeBauge. Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 34869. Sample No. 14909-L.)

**INFORMATION FILED:** August 12, 1953, District of Kansas, against DeBauge Bros., Inc., Emporia, Kans., Laurent J. DeBauge, president of the corporation, and Paul L. DeBauge, vice president.

**ALLEGED VIOLATION:** Between the approximate dates of February 15 and March 17, 1952, the defendants received, at Emporia, Kans., a number of bags of powdered white sugar, which had been shipped from Ogden, Utah, and Nampa, Idaho.

Between the approximate dates of February 15 and November 20, 1952, while the sugar was being held for sale after shipment in interstate commerce, the defendants caused the sugar to be placed in a building that was accessible to rodents and caused the sugar to be exposed to contamination by rodents.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article was held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury on May 13, 1954. At the conclusion of the trial, the case was taken under advisement by the court; and, on May 25, 1954, the court returned a verdict of not guilty.

**21479. Adulteration of sugar.** U. S. v. 274 Bags \* \* \*. (F. D. C. No. 35514. Sample No. 64974-L.)

**LIBLE FILED:** September 25, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 6, 1951, from Sidney, Mont.

**PRODUCT:** 274 100-pound bags of sugar at St. Paul, Minn., in possession of the Central Warehouse Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 6, 1953. The Holly Sugar Corp., Colorado Springs, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. The product subsequently was re-refined.

## DAIRY PRODUCTS

### BUTTER

**21480. Adulteration of butter.** U. S. v. 14 Cubes (896 pounds) \* \* \*. (F. D. C. No. 35893. Sample No. 88486-L.)

**LIBLE FILED:** April 23, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 29, 1954, by Armour Creameries, from Mitchell, S. Dak.

**PRODUCT:** 14 64-pound cubes of butter at Hopkins, Minn.

**LABEL, IN PART:** "Creamery Butter Manufactured by Parsons Creamery & Locker Co. Woonsocket, S. D."

**NATURE OF CHARGE:** Adulteration, Section 402(b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** July 9, 1954. Parsons Creamery & Locker Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Department of Health, Education, and Welfare.

### CHEESE

**21481. Adulteration of cheddar cheese.** U. S. v. 25 Cases \* \* \*. (F. D. C. No. 36320. Sample No. 42822-L.)

**LIBLE FILED:** February 12, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 24 and 31, 1953, from Portland, Oreg.

**PRODUCT:** 25 cases, each containing 20 ½-pound packages, of cheddar cheese at Sacramento, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed cheese. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 10, 1954. Default decree of condemnation and destruction.

**21482. Adulteration and misbranding of cheddar cheese. U. S. v. 36 Long-horns \* \* \*. (F. D. C. No. 36720. Sample No. 75036-L.)**

**LIBEL FILED:** On or about April 28, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about March 27, 1954, by Valley Cheese Co., Inc., from Moorefield, W. Va.

**PRODUCT:** 36 longhorns of cheddar cheese at Winchester, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product deficient in milk fat had been substituted in whole or in part for cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cheddar cheese since it contained in its solids less than 50 percent of milk fat, the minimum permitted by the definition and standard.

**DISPOSITION:** June 10, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution for use other than for human consumption.

**21483. Adulteration of cheddar cheese and colby cheese. U. S. v. 9 Boxes, etc. (F. D. C. No. 36757. Sample No. 63673-L.)**

**LIBEL FILED:** June 3, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** Between September 22, 1950, and October 22, 1953, from Thorp, Wis.

**PRODUCT:** 9 50-pound boxes of cheddar cheese, 1 50-pound box containing 4 longhorns of colby cheese, and 10 23-pound boxes, each containing 1 cheddar cheese daisy, at Danville, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 7, 1954. Default decree of condemnation. The court ordered that the products be denatured and sold for use other than for human consumption.

## FISH AND SHELLFISH

**21484. Adulteration of canned salmon. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 36548. Sample No. 84659-L.)**

**LIBEL FILED:** May 6, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 29, 1953, by Can-Go Shippers Assn., Inc., from Seattle, Wash.

**PRODUCT:** 44 cases, each containing 48 cans of salmon at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Ocean Harvest Brand Net Wt. 1 Lb. Medium Red Chunk Style Salmon \* \* \* Tips & Tails Distributed By Food Specialty Co. Seattle, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21485. Adulteration of frozen red snappers.** U. S. v. 7 Boxes \* \* \*. (F. D. C. No. 36505. Sample No. 50184-L.)

**LIBEL FILED:** April 13, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 2, 1953, from New York, N. Y.

**PRODUCT:** 7 100-pound boxes of frozen red snappers at Monmouth Beach, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 2, 1954. Default decree of condemnation and destruction.

**21486. Adulteration of crabmeat.** U. S. v. 141 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35882, 35885. Sample Nos. 47839-L, 67932-L.)

**LIBELS FILED:** December 4, 1953, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about November 30, 1953, by the Pascagoula Crab Co., from Pascagoula, Miss.

**PRODUCT:** 190 1-pound cans of crabmeat at New Orleans, La. Examination showed that the product was contaminated with *E. coli* of fecal origin.

**LABEL, IN PART:** "Pascagoula Crab Co. Special [or "Claw"] Crab Meat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 30, 1953. Default decrees of condemnation and destruction.

**21487. Adulteration of oysters.** U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 36159. Sample No. 75234-L.)

**LIBEL FILED:** November 28, 1953, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about November 21, 1953, by Seacoast Oyster Co., Inc., from Baltimore, Md.

**PRODUCT:** 2 barrels containing a total of 250 cans of oysters at Clarksburg, W. Va.

**LABEL, IN PART:** (Can) "Pride of Chesapeake Bay Oysters 12 U. S. Fl. Oz. \* \* \* Oysters Standards."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** January 7, 1954. Default decree of condemnation and destruction.

**21488. Adulteration of oysters.** U. S. v. 197 Cans \* \* \*. (F. D. C. No. 36205. Sample Nos. 72632-L, 72633-L.)

**LIBEL FILED:** December 21, 1953, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 6 and 9 and December 4, 1953, by O. E. Wentworth & Co., from Baltimore, Md.

**PRODUCT:** 197 cans of oysters at Asheville, N. C.

**LABEL, IN PART:** (Can) "Oysters Standards Contents One Pint Sanitary Wentworth Triangle Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters. The article was adulterated in this respect while held for sale after shipment in interstate commerce.

Further adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality. The oysters were adulterated in this respect when introduced into and while in interstate commerce.

**DISPOSITION:** January 18, 1954. Default decree of condemnation and destruction.

**21489. Adulteration of canned shrimp. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 36257. Sample No. 48048-L.)**

**LIBEL FILED:** December 17, 1953, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about November 2 and December 3, 1953, by the Anticich Canning Co., from Biloxi, Miss.

**PRODUCT:** 15 cases, each containing 24 cans, of shrimp at Birmingham, Ala.

**LABEL, IN PART:** (Can) "North Point Brand Small Wet Pack Shrimp Drained Wt. 5 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 19, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21490. Adulteration of canned peaches. U. S. v. 102 Cases \* \* \*. (F. D. C. No. 36759. Sample No. 88722-L.)**

**LIBEL FILED:** June 2, 1954, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 2, 1951, from Stockton, Calif.

**PRODUCT:** 102 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Davenport, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 19, 1954. Default decree of condemnation and destruction.

### DRIED FRUIT

**21491. Adulteration of dried currants. U. S. v. 25 Cartons \* \* \*. (F. D. C. No. 36761. Sample No. 82807-L.)**

**LIBEL FILED:** June 8, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 27, 1953, from Fresno, Calif.

**PRODUCT:** 25 30-pound cartons of dried currants at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 19, 1954. Default decree of condemnation and destruction.

**21492. Adulteration of raisins. U. S. v. 139 Cases \* \* \*. (F. D. C. No. 36766. Sample No. 89602-L.)**

**LIBEL FILED:** June 16, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about May 6, 1954, by the Central California Packing Co., from Del Rey, Calif.

**PRODUCT:** 139 cases of raisins at Stillwater, Minn.

**LABEL, IN PART:** "30 Lbs. Net Wt. Del Cara Select Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 28, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

## FROZEN FRUIT

**21493. Adulteration of frozen strawberries. U. S. v. 800 Cans \* \* \*. (F. D. C. No. 36740. Sample No. 87388-L.)**

**LIBEL FILED:** May 7, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about April 15, 1954, by Valley Packers, Inc., from Puyallup, Wash.

**PRODUCT:** 800 cans of frozen strawberries at New Orleans, La.

**LABEL, IN PART:** (Can) "Whole Marshall Strawberries Sugar 4 Plus 1 Net Wt. 30 Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

**DISPOSITION:** June 7, 1954. Default decree of condemnation and destruction.

## VEGETABLES

**21494. Adulteration of marrowfat beans. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 36762. Sample No. 63672-L.)**

**LIBEL FILED:** June 21, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 15, 1949, from Indianapolis, Ind.

**PRODUCT:** 12 cases, each containing 24 1-pound bags, of marrowfat beans at Danville, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested beans, and of a decomposed substance by reason of the presence of

moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 21, 1954. Default decree of condemnation and destruction.

21495. Adulteration of chickpeas. U. S. v. 19 Bags \* \* \*. (F. D. C. No. 36560. Sample No. 75475-L.)

LABEL FILED: May 11, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 7, 1954, by Louis Cohen, from New York, N. Y.

PRODUCT: 19 bags of chickpeas at Norfolk, Va.

LABEL, IN PART: (Bag) "Cam HSC Shipk Peas Pois Chiches 545 Net Weight 110 Lb. \* \* \* Produce of French Morocco."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: July 22, 1954. Default decree of condemnation and destruction.

21496. Adulteration of olives. U. S. v. 24 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 36686, 36690. Sample Nos. 44028-L, 61213-L.)

LABELS FILED: March 17 and 22, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 24 and September 8, 1953, by the Belle Products Co., from Houston, Tex.

PRODUCT: 37 cases, each containing 12 jars, of olives at Krebs and Poteau, Okla.

LABEL, IN PART: (Jar) "Lady Carlotta Net Contents 10 Ounces [or "21 Ounces"] \* \* \* Salad Olives With Pimientos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

DISPOSITION: June 14, 1954. Default decrees of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

21497. Adulteration and misbranding of canned tomatoes. U. S. v. 997 Cases \* \* \*. (F. D. C. No. 36429. Sample No. 43040-L.)

LABEL FILED: March 3, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about February 4, 1954, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 997 cases, each containing 24 cans, of tomatoes at New York, N. Y.

LABEL, IN PART: (Cases stenciled) "24 No. 2½ California Unpeeled Pear Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and Section 403 (i) (1), the label failed to bear the common or usual name of the article.

DISPOSITION: August 13, 1954. Default decree of condemnation and destruction.

**21498. Adulteration and misbranding of tomato puree.** U. S. v. 37 Cases \* \* \*.  
(F. D. C. No. 36454. Sample No. 84462-L.)

**LIBEL FILED:** March 25, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 10, 1954, by the Carlini Canning Co., from Vineland, N. J.

**PRODUCT:** 37 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** (Case) "Romano—Tomato Puree \* \* \* Contents 6 lb. 8 oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since the article contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

## MEAT AND POULTRY

**21499. Adulteration of scalded hog stomachs.** U. S. v. 14 Tins \* \* \*. (F. D. C. No. 36538. Sample No. 51949-L.)

**LIBEL FILED:** April 30, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 17, 1954, from Cleveland, Ohio.

**PRODUCT:** 14 tins, containing a total of 525 pounds, of scalded hog stomachs at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, and of a decomposed substance by reason of the presence of decomposed hog stomachs. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 11, 1954. Default decree of condemnation and destruction.

**21500. Adulteration of dressed poultry.** U. S. v. Kissell Bros. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 36571. Sample No. 66075-L.)

**INFORMATION FILED:** June 4, 1954, Northern District of Ohio, against Kissell Bros., a partnership, Columbus Grove, Ohio.

**ALLEGED SHIPMENT:** On or about December 1, 1953, from the State of Ohio into the State of Illinois.

**LABEL, IN PART:** (Carton) "Springbrook Oven Ready Chickens Packed By Kissell Bros. Columbus Grove, O."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds which were contaminated with crop material and fecal matter.

**DISPOSITION:** June 25, 1954. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100.

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<sup>1</sup> (21451) Injunction issued.

<sup>2</sup> (21464) Seizure contested. Contains opinion of the court.

<sup>3</sup> (21463) Prosecution contested. Contains opinion of the court.

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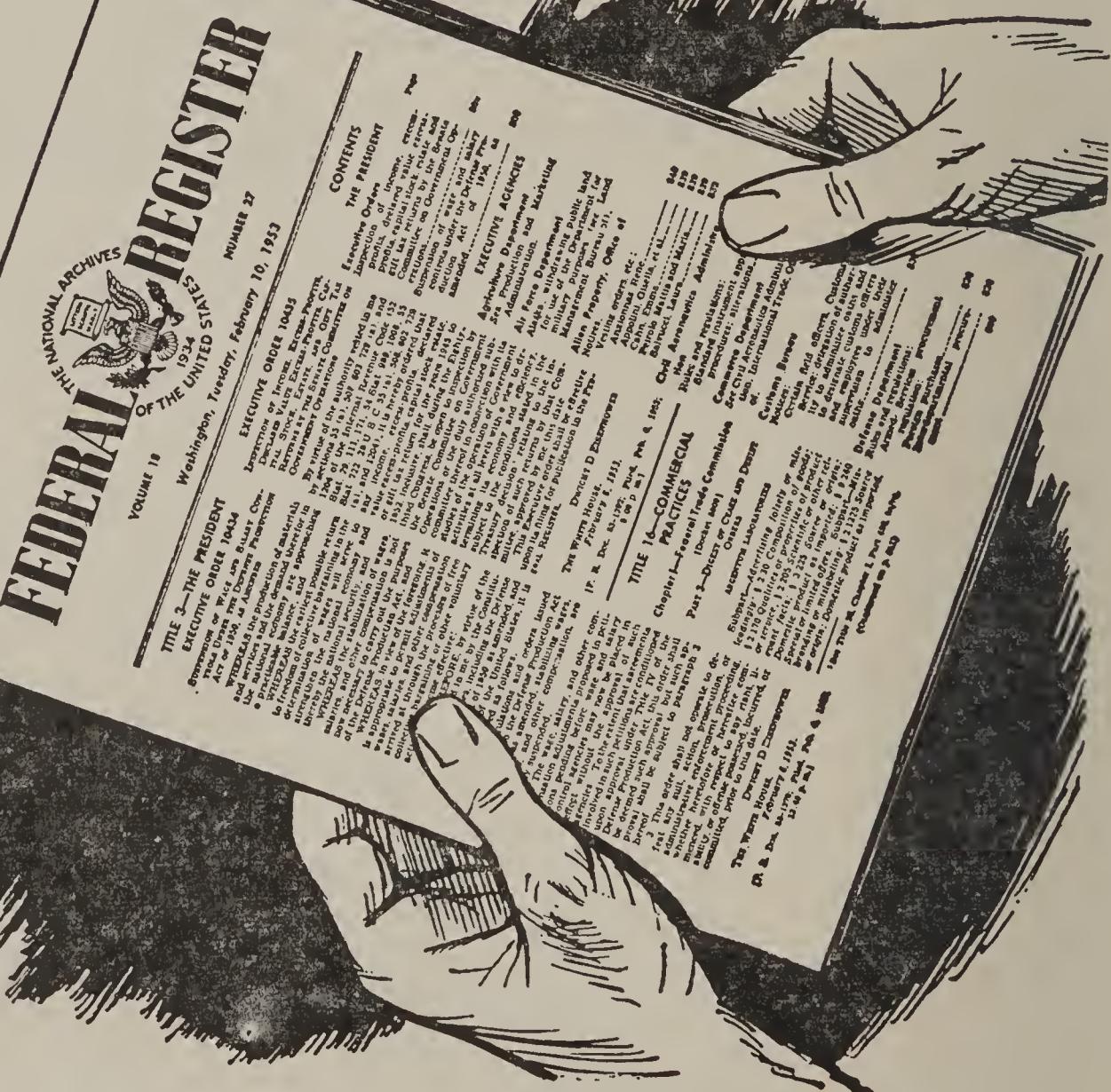
<sup>1</sup> (21451) Injunction issued.

<sup>2</sup> (21463) Prosecution contested. Contains opinion of the court.

<sup>4</sup> (21478) Prosecution contested.



# THE FEDERAL REGISTER



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**FOOD AND DRUG ADMINISTRATION**

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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21501-21550

**FOODS**

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*  
 WASHINGTON, D. C., May 18, 1955.

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**BEVERAGES AND BEVERAGE MATERIALS**

**21501. Adulteration of coffee.** U. S. v. 2 Bags, etc. (F. D. C. No. 35272. Sample Nos. 50881-L, 50883-L.)

**LIBLE FILED:** June 2, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On an unknown date from a foreign country.

**PRODUCT:** 2 82-pound bags of roasted coffee and 2 118-pound bags of green coffee at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, stones, and rodent excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 18, 1954. Default decree of condemnation and destruction.

**21502. Adulteration and misbranding of ground coffee.** U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36565. Sample No. 84174-L.)

**LIBLE FILED:** May 13, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 14, 1954, by the Andrew's Coffee Co., from New York, N. Y.

**PRODUCT:** 6 cases, each containing 24 tins, of ground coffee at Philadelphia, Pa.

**LABEL, IN PART:** (Tin) "Andrew's Superior Quality American Roast Coffee Net Wt. 1 pound Vacuum Packed."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of coffee and chickpeas had been substituted in whole or in part for coffee, which the article was represented to be; and, Section 402 (b) (4), chickpeas had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), the label statement "Superior Quality \* \* \* Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas.

**DISPOSITION:** July 28, 1954. Default decree of condemnation and destruction.

**21503. Adulteration of ground coffee.** U. S. v. 4 Bags \* \* \*. (F. D. C. No. 36802. Sample No. 80713-L.)

**LIBLE FILED:** May 27, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 22, 1954, by the A. J. Lipstock Co., from Brooklyn, N. Y.

**PRODUCT:** 4 bags, each containing approximately 75 pounds, of ground coffee at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetle parts.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21504. Adulteration of orange-flavored base and Concord grape concentrate.** U. S. v. 31 Jugs, etc. (F. D. C. No. 36736. Sample Nos. 66368-L, 66371-L.)

**LIBLE FILED:** May 3, 1954, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about July 10 and November 23, 1953, and March 8 and 26, 1954, by Harvest Sun Products, Inc., from Chicago, Ill.

PRODUCT: 31 jugs of orange-flavored base and 5 jugs of Concord grape concentrate at Beaver Dam, Wis.

LABEL, IN PART: (Jug) "Harvest Sun \* \* \* Net Contents 1 Gallon \* \* \* Dalee Breakfast Orange Flavored Base 1 to 20" and "Harvest Sun \* \* \* Net Contents One Gallon \* \* \* Dalee Pure Fruit Concord Grape Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles and can be avoided by good manufacturing practice.

DISPOSITION: May 28, 1954. Default decree of condemnation and destruction.

**21505. Adulteration of grapefruit rickey concentrate. U. S. v. 13 Jugs \* \* \*. (F. D. C. No. 36735. Sample No. 88608-L.)**

LIBEL FILED: April 30, 1954, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 3, 1954, by Harvest Sun Products, Inc., from Chicago, Ill.

PRODUCT: 13 jugs of grapefruit rickey concentrate at Wisconsin Rapids, Wis.

LABEL, IN PART: (Jug) "Harvest Sun Net Contents One Gallon \* \* \* Grapefruit Rickey 1 to 20."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: June 2, 1954. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**21506. Adulteration of flour. U. S. v. 75 Bags \* \* \*. (F. D. C. No. 36489. Sample No. 84164-L.)**

LIBEL FILED: April 6, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about January 13, 1954, from Duluth, Minn.

PRODUCT: 75 100-pound bags of flour at Atlantic City, N. J., in possession of Mason Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 12, 1954. Default decree of condemnation and destruction.

**21507. Adulteration of flour. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 36531. Sample No. 72530-L.)**

LIBEL FILED: On or about April 29, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 31, 1953, from Red Wing, Minn.

PRODUCT: 60 50-pound bags of flour at Richmond, Va., in possession of S. H. Campbell.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1954. Default decree of condemnation and destruction.

**21508. Adulteration of flour. U. S. v. 5 Bags, etc. (F. D. C. No. 36476. Sample Nos. 64707-L, 64708-L.)**

LIBEL FILED: April 14, 1954, Western District of Washington.

ALLEGED SHIPMENT: The product, which was of United States origin, originally had been loaded on a vessel in United States ports, for use of the crew during a foreign voyage. The vessel traveled to the Orient and returned for reconditioning at Seattle, Wash., where the product was unloaded.

PRODUCT: 14 100-pound bags of flour at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments, and of a decomposed substance by reason of the presence of moldy flour.

DISPOSITION: August 2, 1954. Default decree of condemnation and destruction.

**21509. Adulteration of flour. U. S. v. 16 Bags \* \* \*. (F. D. C. No. 36708. Sample No. 81897-L.)**

LIBEL FILED: April 2, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about November 11, 1953, from Wichita Falls, Tex.

PRODUCT: 16 50-pound bags of flour at Hugo, Okla., in possession of Cowling Grocer.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 6, 1954. Default decree of condemnation and destruction.

**21510. Adulteration of flour. U. S. v. 9 Bags \* \* \* (and 1 other seizure action). (F. D. C. No. 36710. Sample Nos. 81898-L, 81899-L.)**

LIBELS FILED: April 16, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about January 19 and February 11, 1954, from Denton and Sherman, Tex.

PRODUCT: 14 50-pound bags of flour at Durant, Okla., in possession of the Hale-Halsell Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of bird excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 23, 1954. Default decrees of condemnation and destruction.

**21511. Adulteration of flour and rice. U. S. v. 101 Bags, etc. (F. D. C. No. 36777. Sample Nos. 86330-L, 86331-L.)**

LIBEL FILED: July 1, 1954, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 16 and 31, 1953, from Stuttgart, Ark., and Hutchinson, Kans.

PRODUCT: 101 25-pound bags of flour and 10 100-pound bags of rice at Youngstown, Ohio, in possession of the Mahoning Valley Flour Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 2, 1954. Default decrees of condemnation and destruction.

**21512. Adulteration of whole wheat flour, rye flour, and oatmeal. U. S. v. 6 Cases, etc. (F. D. C. No. 36742. Sample Nos. 82013-L to 82015-L, incl.)**

LIBEL FILED: May 11, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 22, 1952, from Chicago, Ill.

PRODUCT: 6 cases, each containing 12 2-pound packages, of whole wheat flour, 5 cases, each containing 12 2-pound packages, of rye flour, and 8 cases, each containing 12 2-pound packages, of oatmeal at Muskogee, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 9, 1954. Default decree of condemnation and destruction.

### MACARONI AND NOODLE PRODUCTS

**21513. Adulteration of macaroni product. U. S. v. 4 Cases, etc. (F. D. C. No. 36404. Sample No. 64502-L.)**

LIBEL FILED: March 10, 1954, Western District of Washington.

ALLEGED SHIPMENT: On or about August 28, 1953, from San Francisco, Calif.

PRODUCT: 4 cases, each containing 12 1-pound packages, and 4 cases, each containing 24 ½-pound packages, of a macaroni product at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 2, 1954. Default decree of condemnation. On August 12, 1954, an order was entered directing that, in lieu of destruction, the product be delivered to a Federal institution, for use as hog feed.

**21514. Adulteration of egg noodles.** U. S. v. 57 Boxes \* \* \*. (F. D. C. No. 36729. Sample No. 79592-L.)

**LIBLE FILED:** May 6, 1954, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about March 15, 1954, by the Grand Macaroni Co., from Chicago, Ill.

**PRODUCT:** 57 10-pound boxes of egg noodles at Hopkinsville, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 18, 1954. Default decree of condemnation. The court ordered that the product be turned over to a State institution, for use as animal feed.

**21515. Adulteration of macaroni and spaghetti.** U. S. v. 159 Boxes, etc. (and 2 other seizure actions). (F. D. C. Nos. 36716, 36717, 36725. Sample Nos. 65993-L, 71167-L, 71168-L, 84355-L, 84356-L.)

**LIBLES FILED:** April 14 and 27, 1954, Northern District of Indiana and Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 4 and March 2, 1954, by the Grand Macaroni Co., from Chicago, Ill.

**PRODUCT:** 383 20-pound boxes of macaroni and 150 20-pound boxes of spaghetti at Michigan City and Logansport, Ind., and Harrisburg, Pa.

**LABEL, IN PART:** (Portions) "Spaghetti Hale Brand" and "Hale Brand \* \* \* Elbow Macaroni."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and insect parts, and rodent hairs and rodent excreta; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** July 9 and 13, 1954. Default decrees of condemnation. The court ordered that the Indiana lots be delivered to State institutions, for use as animal feed, and that the Pennsylvania lot be destroyed.

**21516. Adulteration of canned spaghetti with tomato sauce and cheese.** U. S. v. 84 Cases \* \* \*. (F. D. C. No. 36767. Sample No. 63674-L.)

**LIBLE FILED:** June 24, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 14, 1945, from Austin, Ind.

**PRODUCT:** 84 cases, each containing 24 1-pound, 1-ounce jars, of spaghetti with tomato sauce and cheese at Danville, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 21, 1954. Default decree of condemnation and destruction.

**MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\***

**21517. Adulteration of rice.** U. S. v. 22 Bags \* \* \*. (F. D. C. No. 36421.  
Sample No. 60159-L.)

**LIBLE FILED:** March 12, 1954, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 8, 1954, from Newport, Ark.

**PRODUCT:** 22 100-pound bags of rice at Charleston, S. C., in possession of Thomas & Howard Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1954. Thomas & Howard Co., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond, for conversion of the unfit portion into animal feed. 20 bags of the product were found unfit and were denatured for use as animal feed.

**21518. Adulteration of rice.** U. S. v. 11 Bags \* \* \*. (F. D. C. No. 36800.  
Sample No. 84180-L.)

**LIBLE FILED:** On or about June 7, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 15, 1953, from Philadelphia, Pa.

**PRODUCT:** 11 100-pound bags of rice at Atlantic City, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 6, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**21519. Adulteration of rice.** U. S. v. 12 Cases \* \* \*. (F. D. C. No. 36479.  
Sample No. 15915-L.)

**LIBLE FILED:** April 2, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about September 14, 1953, from Beaumont, Tex.

**PRODUCT:** 12 cases, each containing 48 12-ounce packages, of rice at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 23, 1954. Default decree of condemnation and destruction.

**21520. Adulteration of rolled oats and hominy.** U. S. v. 5 Cases, etc. (F. D. C. No. 36479. Sample Nos. 15914-L, 15918-L.)

**LIBLE FILED:** April 2, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 3, 1953, and January 6, 1954, from St. Joseph, Mo.

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\*See also Nos. 21511, 21512.

PRODUCT: 5 cases, each containing 24 3-pound packages, of rolled oats, and 6 100-pound bags of hominy, at Krebs, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects in the rolled oats, and rodent excreta in the hominy. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 23, 1954. Default decree of condemnation and destruction.

**21521. Adulteration of cake mix, rice, and peanut butter, and misbranding of vanilla extract. U. S. v. 48 Packages, etc. (F. D. C. No. 36440. Sample Nos. 44011-L to 44013-L, incl., 44016-L.)**

LIBLE FILED: March 16, 1954, Northern District of Oklahoma.

ALLEGED SHIPMENT: The cake mix was shipped on or about October 4, 1951, from Chicago, Ill.; the rice was shipped on or about October 13, 1952, from Onamia, Minn.; and the peanut butter and the vanilla extract were shipped from Kansas City, Mo., and New York, N. Y., prior to May 1946.

PRODUCT: 48 1-pound packages of pineapple upside down cake mix; 11 cases, each containing 12 9-ounce packages, of wild rice; 4 cases, each containing 24 1-pound jars, of peanut butter; and 420 cartoned bottles, each containing 1½ fluid ounces of vanilla extract at Bristow, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the cake mix and rice consisted in whole or in part of a filthy substance by reason of the presence of insects, and the peanut butter consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the vanilla extract failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Contents 1½ Fluid Oz." was inaccurate. (Examination showed that the product was short volume because of the evaporation of the alcohol solvent.)

The cake mix, rice, and peanut butter were adulterated and the vanilla extract was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 5, 1954. Default decree of condemnation and destruction.

## DAIRY PRODUCTS

### BUTTER

**21522. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 36584. Sample Nos. 59166-L, 59167-L, 70422-L.)**

INFORMATION FILED: June 24, 1954, Western District of Kentucky, against the Sugar Creek Creamery Co., a corporation, Louisville, Ky.

ALLEGED SHIPMENT: On or about July 14 and 20, 1953, from the State of Kentucky into the States of Florida and West Virginia.

LABEL, IN PART: (Package) "Wilson \* \* \* 1 Lb. Net Weight Country Roll Butter Distributors Wilson & Co. Chicago, Ill." and "Lake View Four In One."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the use of decomposed cream in the preparation of the article.

**DISPOSITION:** September 2, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$500.

### CHEESE

**21523. Adulteration of imitation process cheese. U. S. v. 26 Boxes \* \* \*. (F. D. C. No. 36823. Sample No. 59888-L.)**

**LIBLE FILED:** June 2, 1954, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about December 14, 1953, from New York, N. Y.

**PRODUCT:** 26 5-pound boxes of pasteurized process imitation American cheese at Monroe, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 12, 1954. Default decree of condemnation and destruction.

**21524. Adulteration of process cheese spread. U. S. v. 16 Cartons \* \* \*. (F. D. C. No. 36826. Sample No. 59889-L.)**

**LIBLE FILED:** June 8, 1954, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about February 12, 1954, from Wapakoneta, Ohio.

**PRODUCT:** 16 cartons, each containing 12 2-pound boxes, of process cheese spread at Monroe, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal taste, odor, and texture. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 12, 1954. Default decree of condemnation and destruction.

### FISH AND SHELLFISH

**21525. Adulteration of canned sardines. U. S. v. 30 Cases \* \* \*. (F. D. C. No. 36557. Sample Nos. 83705-L, 83706-L.)**

**LIBLE FILED:** May 7, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 16, 1954, from Minneapolis, Minn. This was a return shipment.

**PRODUCT:** 30 cases, each containing 50 cans, of sardines at New York, N. Y.

**LABEL, IN PART:** (Can) "Norwegian Beauty Two Layers 18/24 Fish 3-3/4 Ounces Net. Norwegian Sild Sardines In Norwegian Sild Sardine Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** June 1, 1954. Default decree of condemnation and destruction.

**21526. Adulteration of frozen tullibees. U. S. v. 15 Boxes \* \* \*. (F. D. C. No. 36485. Sample No. 49926-L.)**

**LIBLE FILED:** April 7, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 19, 1954, by Straker Gross, from Montreal, Canada.

PRODUCT: 15 125-pound boxes of frozen tullibees at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: May 13, 1954. Default decree of condemnation and destruction.

**21527. Adulteration of oysters. U. S. v. 300 Cans \* \* \*. (F. D. C. No. 36368. Sample No. 75130-L.)**

LIBEL FILED: February 3, 1954, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about January 27, 1954, by E. Goodwin and Sons, Inc., from Baltimore, Md.

PRODUCT: 300 cans of oysters in 3 barrels at Harlan, Ky.

LABEL, IN PART: (Can) "Oysters Selects Content 1 Pint Net Eastern Bay Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 9, 1954. The shipper having consented to the disposition of the product, judgment was entered providing for the delivery of the product to a charitable institution.

**21528. Adulteration of oysters. U. S. v. 119 Cans \* \* \*. (F. D. C. No. 36311. Sample No. 57952-L.)**

LIBEL FILED: February 9, 1954, Northern District of New York; amended libel filed February 20, 1954.

ALLEGED SHIPMENT: On or about February 2, 1954, by Seacoast Oyster Co., Inc., from Baltimore, Md.

PRODUCT: 119 cans of oysters at Binghamton, N. Y.

LABEL, IN PART: (Can) "Oysters Standards One Pint Net Pride of Chesapeake Bay Lovely Lady."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: March 30, 1954. Default decree of condemnation and destruction.

**21529. Adulteration of canned shrimp. U. S. v. 142 Cases \* \* \*. (F. D. C. No. 36197. Sample No. 50151-L.)**

LIBEL FILED: December 22, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about November 4, 1953, by the Deep South Packing Co., from New Orleans, La.

PRODUCT: 142 cases, each containing 24 cans, of shrimp at Kearny, N. J.

LABEL, IN PART: (Can) "Shady River Brand Wet Pack Medium Shrimp Drained Weight 5 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 29, 1954. The Deep South Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. As a result of the segregation operations, 32½ cases of the product were found unfit.

**21530. Adulteration of frozen shrimp.** U. S. v. 217 Cartons \* \* \*. (F. D. C. No. 36510. Sample No. 50186-L.)

**LIBEL FILED:** April 19, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 15, 1954, from New York, N. Y.

**PRODUCT:** 217 cartons, each containing 10 5-pound packages, of frozen shrimp at Monmouth Beach, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 4, 1954. Henry C. Singleton, Tampa, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 1,094 pounds of the product were found unfit and were destroyed.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**21531. Adulteration of raisins.** U. S. v. 598 Cartons \* \* \*. (F. D. C. No. 36830. Sample No. 68975-L.)

**LIBEL FILED:** June 7, 1954, District of Puerto Rico.

**ALLEGED SHIPMENT:** On or about May 20, 1954, by Del Valle Kahman & Co., from San Francisco, Calif.

**PRODUCT:** 598 cartons or raisins at San Juan, P. R.

**LABEL, IN PART:** (Carton) "30 Lbs. Net Wt. Rica Brand Alicante Black Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21532. Adulteration of raisins.** U. S. v. 434 Cases \* \* \*. (F. D. C. No. 36816. Sample Nos. 60175-L to 60178-L, incl.)

**LIBEL FILED:** May 27, 1954, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about November 4 and December 22, 1953, and January 12, 1954, from Selma, Calif.

**PRODUCT:** 434 30-pound cases of raisins at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 29, 1954. The Fewel Bros. Packing Co., Selma, Calif., claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product subsequently was denatured for use as animal feed.

**21533. Adulteration of raisins. U. S. v. 324 Cases \* \* \*. (F. D. C. No. 36771. Sample No. 79720-L.)**

**LIBEL FILED:** June 25, 1954, Southern District of Alabama.

**ALLEGED SHIPMENT:** On or about May 17, 1954, by the Central California Packing Co., from Del Rey, Calif.

**PRODUCT:** 324 cases of raisins at Mobile, Ala.

**LABEL, IN PART:** "30 Lbs. Net Wt. Del Cara Select Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 2, 1954. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption.

### VEGETABLES AND VEGETABLE PRODUCTS

**21534. Adulteration of canned corn. U. S. v. Crites Milling Co. and Meinhardt M. Crites. Pleas of guilty. Fine of \$1,200 against company and \$300 against individual. (F. D. C. No. 36625. Sample Nos. 72677-L, 72690-L, 79390-L.)**

**INFORMATION FILED:** August 25, 1954, Southern District of Ohio, against the Crites Milling Co., a corporation, Circleville, Ohio, and Meinhardt M. Crites, secretary of the corporation.

**ALLEGED SHIPMENT:** On or about September 2, 21, and 23, 1953, from the State of Ohio into the State of Virginia.

**LABEL, IN PART:** (Can) "Cremogenized Sweet Home Golden Sweet Corn" and "Cremogenized Crites Best Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, rodent hair fragments, insect fragments, and corn ear worms.

**DISPOSITION:** September 14, 1954. The defendants having entered pleas of guilty, the court fined the company \$1,200 and the individual \$300.

**21535. Adulteration of canned okra and tomatoes. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 36764. Sample No. 68029-L.)**

**LIBEL FILED:** June 15, 1954, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 31, 1953, from New Orleans, La.

PRODUCT: 23 cases, each containing 24 15½-ounce cans, of okra and tomatoes at Jackson, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 6, 1954. Default decree of condemnation and destruction.

**21536. Adulteration of olives. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 36500. Sample No. 15924-L.)**

LABEL FILED: April 16, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about March 12, 1948, from St. Louis, Mo.

PRODUCT: 5 cases, each containing 24 10-ounce jars, of olives at Idabel, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed olives. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 6, 1954. Default decree of condemnation and destruction.

**21537. Adulteration of olives and chocolate bars. U. S. v. 5 Cases, etc. (F. D. C. No. 36309. Sample Nos. 81648-L, 82088-L.)**

LABEL FILED: February 23, 1954, District of Kansas.

ALLEGED SHIPMENT: The olives were shipped on or about January 11, 1954, by the A. C. L. Haase Co., from St. Louis, Mo., and the chocolate bars were shipped from Hershey, Pa., sometime during September 1953.

PRODUCT: 5 cases, each containing 12 jars, of olives, and 16 boxes, each containing 12 4¼-ounce chocolate bars, at Iola, Kans.

LABEL, IN PART: (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 24 Dr. Wt. 14 Oz."

NATURE OF CHARGE: Olives. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives, and of a decomposed substance by reason of the presence of decomposed olives. The article was adulterated when introduced into and while in interstate commerce.

Chocolate bars. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 19, 1954. Default decree of condemnation and destruction.

**21538. Adulteration of sweet relish. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 36788. Sample No. 72795-L.)**

LABEL FILED: July 14, 1954, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about December 1, 1953, by the J. H. Erbrich Prod. Co., from Indianapolis, Ind.

PRODUCT: 8 cases, each containing 12 jars, of sweet relish at Marion, Ill.

LABEL, IN PART: (Jar) "Goody-Goody Sweet Relish \* \* \* Contents 1 pint Packed by Goody-Goody Products Co. Indianapolis, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** August 10, 1954. Default decree of condemnation and destruction.

### NUTS\*

**21539. Adulteration of brazil nuts.** U. S. v. 15 Cases, etc. (F. D. C. No. 36773. Sample Nos. 79322-L, 79323-L.)

**LIBEL FILED:** June 28, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** During 1952 or 1953, from New York, N. Y.

**PRODUCT:** 15 cases, each containing 25 1-pound bags, and 7 50-pound bags, of brazil nuts at Zanesville, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of destruction.

**21540. Adulteration of unshelled pecans.** U. S. v. 56 Bags \* \* \*. (F. D. C. No. 36787. Sample No. 83666-L.)

**LIBEL FILED:** July 13, 1954, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 10, 1953, from Albany, Ga.

**PRODUCT:** 56 25-pound bags of unshelled pecans at Des Moines, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 11, 1954. Super Valu Stores, Inc., Des Moines, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 115 pounds of pecans were found unfit and were destroyed.

**21541. Adulteration of unshelled walnuts.** U. S. v. 319 Bags \* \* \*. (F. D. C. No. 36848. Sample Nos. 89870-L, 89932-L.)

**LIBEL FILED:** June 21, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 20, 1953, from Vancouver, Wash.

**PRODUCT:** 319 100-pound bags of unshelled walnuts at Somerville, Mass., in possession of McGrath Storage & Warehouse Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

\*See also No. 21521.

**DISPOSITION:** July 26, 1954. McGrath Storage & Warehouse Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 725 pounds of walnuts were found unfit and were destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS\*

**21542. Adulteration of chilies.** U. S. v. 61 Bags \* \* \*. (F. D. C. No. 36525. Sample No. 49756-L.)

**LIBEL FILED:** On or about April 27, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 24, 1953, from Belgian Congo.

**PRODUCT:** 61 100-pound bags of chilies at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 4, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21543. Adulteration of hot cherry peppers.** U. S. v. 129 Cases \* \* \*. (F. D. C. No. 36828. Sample No. 80722-L.)

**LIBEL FILED:** June 9, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 24, 1953, from Atlantic City, N. J.

**PRODUCT:** 129 cases, each containing 4 1-gallon jars of hot cherry peppers at Philadelphia, Pa. Examination showed that the product was undergoing decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 28, 1954. Default decree of condemnation and destruction.

**21544. Adulteration of salt.** U. S. v. 13 Cases \* \* \*. (F. D. C. No. 36479. Sample No. 15916-L.)

**LIBEL FILED:** April 2, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about May 4, 1953, from Hutchinson, Kans.

**PRODUCT:** 13 cases, each containing 24 1-pound, 10-ounce packages, of salt at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 23, 1954. Default decree of condemnation and destruction.

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\*See also No. 21521.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**21545. Adulteration and misbranding of Biolac and Bremil. U. S. v. Borden Co.**  
Plea of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 35759. Sample Nos. 54252-L, 54253-L.)

**INFORMATION FILED:** February 10, 1954, Northern District of Illinois, against the Borden Co., a corporation, Elgin, Ill.

**LABEL, IN PART:** (Can) "Biolac New Improved Modified Milk for Infants" and "Borden's Bremil Powdered Infant Food."

**NATURE OF CHARGE:** Biolac. Adulteration, Section 402 (b) (1), valuable constituents, riboflavin and vitamin D, had been in part omitted from the article. Misbranding, Section 403 (a), the statements on the label of the article which represented and suggested that each can contained 2 milligrams of vitamin B<sub>2</sub> (riboflavin) and 400 U. S. P. units of vitamin D were false and misleading since each can of the article contained less than 2 milligrams of vitamin B<sub>2</sub> and less than 400 U. S. P. units of vitamin D.

Bremil. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. Misbranding, Section 403 (a), the statement on the label of the article which represented and suggested that each 124 grams of the article supplied 800 U. S. P. units of vitamin D was false and misleading since each 124 grams of the article supplied less than 800 U. S. P. units of vitamin D.

**DISPOSITION:** April 5, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000, plus costs.

**21546. Adulteration and misbranding of vitamin capsules. U. S. v. 43 Bottles, etc. (F. D. C. No. 36511. Sample No. 44048-L.)**

**LIBEL FILED:** April 19, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about September 15, 1952, from Dallas, Tex.

**PRODUCT:** 43 50-capsule bottles, 34 100-capsule bottles, and 6 250-capsule bottles of vitamin capsules at Muskogee, Okla. Analysis showed that the product contained 69 percent and 55 percent of the declared amounts of vitamin B<sub>1</sub> and vitamin C, respectively.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub> and vitamin C, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each day's supply (consisting of 3 capsules) Contains: B-1 (Thiamin Mononitrate) 18 Mg. \* \* \* Vitamin C (Ascorbic Acid) 30 Mg." was false and misleading as applied to an article containing less than the stated amounts of vitamin B<sub>1</sub> and vitamin C.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 6, 1954. Default decree of condemnation and destruction.

**21547. Adulteration and misbranding of vitamin tablets. U. S. v. 449 Bottles \* \* \*. (F. D. C. No. 36820. Sample No. 60104-L.)**

**LIBEL FILED:** June 1, 1954, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 27 and November 12, 1953, from Memphis, Tenn.

**PRODUCT:** 449 100-tablet bottles of vitamin tablets at Atlanta, Ga. Analysis showed that the product contained 50 percent of the declared amount of vitamin D.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains: \* \* \* Vitamin D. . . . 200 USP Units" was false and misleading.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 9, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use.

**21548. Adulteration and misbranding of vitamin tablets. U. S. v. 397 Bottles**  
\* \* \*. (F. D. C. No. 36502. Sample No. 84340-L.)

**LABEL FILED:** April 15, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 3, 1952, from Cleveland, Ohio.

**PRODUCT:** 397 100-tablet bottles of vitamin tablets at Philadelphia, Pa. Analysis showed that the product contained 73 percent of the declared amount of vitamin B<sub>1</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements "Each Tablet Contains Thiamine HCl. (B<sub>1</sub>). . . . 3 mg." and "Each Tonotab provides 3 times the daily minimum requirement of B<sub>1</sub>" were false and misleading as applied to the article which contained less than the stated amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 28, 1954. Default decree of condemnation. The court ordered that the product be delivered to a local hospital for its use.

**21549. Adulteration of Omin tablets. U. S. v. 32 Packages, etc. (F. D. C. No. 36220. Sample No. 75978-L.)**

**LABEL FILED:** January 14, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 14, 1953, by Omin Co., Inc., from Hopewell Junction, N. Y.

**PRODUCT:** 32 50-tablet packages and 36 125-tablet packages of Omin tablets at Seattle, Wash. Analysis showed that the product contained 55 percent of the declared amount of vitamin B<sub>1</sub>, less than 38 percent of the declared amount of vitamin B<sub>2</sub>, and 68 percent of the declared amount of niacin.

**LABEL, IN PART:** (Package) "Omin Tablets An essential B Complex Vitamin tablet and Iron Tonic, with additional: Organic substance \* \* \* Active Ingredients: 6 Omin tablets supply Vitamin B<sub>1</sub> 3 milligrams, Vitamin B<sub>2</sub> 4 milligrams, Niacin 10 milligrams \* \* \* Manufactured by Omin Co., Inc."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, and niacin, had been in part omitted or abstracted from the article.

**DISPOSITION:** May 19, 1954. Default decree of condemnation and destruction.

**21550. Adulteration and misbranding of Nutri-Zyme (veterinary preparation).**  
**U. S. v. 550 Cans \* \* \*. (F. D. C. No. 36760. Sample Nos. 81964-L,  
 81965-L.)**

**LIBEL FILED:** On or about July 2, 1954, District of Nebraska.

**ALLEGED SHIPMENT:** On or about September 22, 1951, and January 22, 1952,  
 from Salem, Va.

**PRODUCT:** 550 1-pound cans of Nutri-Zyme at Lincoln, Nebr. Analysis showed  
 that the article contained less than 80 percent of the declared amount of  
 vitamin B<sub>1</sub> (thiamine) and less than 25 percent of the declared amount of  
 vitamin B<sub>12</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents,  
 vitamin B<sub>1</sub> and vitamin B<sub>12</sub>, had been in part omitted or abstracted from the  
 article.

Misbranding, Section 403 (a), the label statement "Vitamin Analysis Per  
 Ounce \* \* \* Thiamin 2 Mg. \* \* \* Vitamin B-12 \* \* \* 20 Micrograms" was  
 false and misleading as applied to the article, which contained less than the  
 stated amounts of vitamin B<sub>1</sub> and vitamin B<sub>12</sub>.

The article was adulterated and misbranded while held for sale after ship-  
 ment in interstate commerce.

**DISPOSITION:** July 29, 1954. Default decree of condemnation and destruction.

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## U. S. Department of Health, Education, and Welfare

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21551-21600

## FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*WASHINGTON, D. C., *June 17, 1955.*

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## BEVERAGES AND BEVERAGE MATERIALS

**21551. Adulteration of orange-flavored base.** U. S. v. 16 Jugs \* \* \*. (F. D. C. No. 36569. Sample No. 66374-L.)

**LIBEL FILED:** May 13, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 27, 1954, from Kaukauna, Wis. This was a return shipment.

**PRODUCT:** 16 jugs of orange-flavored base at Chicago, Ill.

**LABEL, IN PART:** (Jug) "Harvest Sun Net Contents 1 Gallon \* \* \* Dalee Breakfast Orange Flavored Base 1 To 20."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** September 10, 1954. Default decree of condemnation and destruction.

**21552. Adulteration and misbranding of coffee.** U. S. v. 724 Pounds \* \* \*. (F. D. C. No. 36559. Sample No. 80470-L.)

**LIBEL FILED:** May 6, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** Prior to March 29, 1954, quantities of roasted barley and coffee and coffee chaff were shipped from outside the State of Pennsylvania to Philadelphia, Pa., where the products were blended by the Selco Coffee Co., with a coffee substitute product known as "Covee" to form the product which was the subject of the seizure.

**PRODUCT:** 724 pounds of coffee at Philadelphia, Pa., in possession of the Selco Coffee Co. A portion of the product was packaged in 1-pound bags labeled as described below. Examination showed that the product was a mixture of chicory, barley, and soybeans, with less than 30 percent of ground roasted coffee and coffee chaff.

**LABEL, IN PART:** (Bag) "Good-Land Brand 100% Fresh Roasted Coffee Blended with Soy Beans, Malted Barley, Cereals & Chickory for Flavor. Max Factor, Distributor Philadelphia, Pa. One Pound Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (b) (2), a mixture of chicory, barley, and soybeans, with less than 30 percent of ground roasted coffee and coffee chaff had been substituted in whole or in part for coffee, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "100% Fresh Roasted Coffee" was false and misleading as applied to a mixture of chicory, barley, and soybeans, with less than 30 percent of coffee and coffee chaff; and, Section 403 (i) (2), the article contained coffee chaff and failed to bear a label stating that fact.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21553. Adulteration of soluble coffee sweepings.** U. S. v. 6 Drums \* \* \*.  
(F. D. C. No. 36534. Sample No. 52943-L.)

**LIBLE FILED:** April 27, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 5, 1954, by American Home Foods, Inc., from Morris Plains, N. J.

**PRODUCT:** 6 drums containing a total of 325 pounds of soluble coffee sweepings at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wood splinters, tape, wax paper, plaster, brush fibers, paint, and match sticks.

**DISPOSITION:** June 16, 1954. Default decree of condemnation and destruction.

## CANDY

**21554. Adulteration of candy.** U. S. v. 20 Cartons \* \* \*. (F. D. C. No. 36780. Sample No. 79325-L.)

**LIBLE FILED:** July 6, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** Sometime during 1949 or 1950, from Reading, Pa.

**PRODUCT:** 20 30-pound cartons of candy at Mount Vernon, Ohio, in possession of the Kelser-Dowds Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 12, 1954. Default decree of destruction.

**21555. Adulteration of candy.** U. S. v. 156 Boxes \* \* \*. (F. D. C. No. 36464. Sample No. 62799-L.)

**LIBLE FILED:** April 5, 1954, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 18, 1954, by Ucanco Candy Co., Inc., from Greensboro, N. C.

**PRODUCT:** Candy. 156 boxes, each containing 40 candy bars, at Memphis, Tenn.

**LABEL, IN PART:** (Bar) "5¢ Toastie Nt. Wt. 1 Oz. Ucanco Candy Co. Davenport, Iowa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 5, 1954. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as animal feed.

**21556. Adulteration and misbranding of candy.** U. S. v. 43 Cases, etc. (F. D. C. No. 36398. Sample No. 52242-L.)

**LIBLE FILED:** On or about March 1, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 6 and 19, 1954, by Wilbur-Suchard Chocolate Co., Inc., from Lititz, Pa.

**PRODUCT:** Candy. 43 cases, each containing 100 candy bars, and 37 cases, each case containing 18 display cartons and each display carton containing 24 candy bars, at New York, N. Y.

**LABEL, IN PART:** (Bar) "Less Fattening Dietetic Sweet 'n Low Chocolate Candy Bar Lower In Calories Net Wt. 1 Oz.: \* \* \* Ingredients: Sugar, Cocoa Butter, Purified Edible Cellulose, Chocolate Liquor, Crisped Rice, Whole Milk, Lecithin (Vegetable Emulsifier), Vanillin \* \* \* It's Less Fattening Because It's Low In Calories."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, cellulose.

Misbranding, Section 403 (a), the label statements "Less Fattening \* \* \* Sweet 'n Low \* \* \* Lower in Calories \* \* \* It's Less Fattening Because It's Low In Calories" were false and misleading as applied to a chocolate candy bar which did not have materially less calories than other chocolate candy bars on the market; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its use as a means of regulating the intake of calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, a statement of the number of available calories supplied by a specified quantity of the article; and, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

**DISPOSITION:** May 11, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

**21557. Adulteration of cornmeal and flour.** U. S. v. 329 Bags, etc. (F. D. C. No. 36462. Sample Nos. 59872-L, 59873-L.)

**LIBEL FILED:** March 23, 1954, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 11 and 15 and November 5, 1953, from St. Joseph, Mo., and Chattanooga, Tenn.

**PRODUCT:** 329 25-pound bags of cornmeal and 8 50-pound bags of flour at Hickory, N. C., in possession of the Thomas & Howard Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 23, 1954. Thomas & Howard Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for denaturing for use other than for human consumption, under the supervision of the Department of Health, Education, and Welfare.

**21558. Adulteration of cornmeal and noodles.** U. S. v. 4 Cases, etc. (F. D. C. No. 36447. Sample Nos. 44022-L, 44030-L.)

**LIBEL FILED:** March 31, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about October 23 and December 30, 1952, and November 30, 1953, from St. Joseph, Mo.

**PRODUCT:** 4 cases, each containing 5 10-pound bags, of cornmeal, and 5 cases, each containing 24 4-ounce boxes, of egg noodles at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta in the cornmeal and insects in the noodles. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 6, 1954. Default decree of condemnation and destruction.

### FLOUR\*

**21559. Adulteration of flour. U. S. v. 112 Bags, etc. (and 1 other seizure action).**  
(F. D. C. Nos. 36695, 36701. Sample Nos. 19762-L to 19764-L, incl., 88527-L.)

**LIBELS FILED:** March 22 and 25, 1954, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about February 10 and 12 and March 5, 1954, from Minneapolis and Wabasha, Minn., and Grand Forks, N. Dak.

**PRODUCT:** 345 50-pound bags of flour at La Crosse, Wis., in possession of the Rice Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 30, 1954. The Rice Grocery Co. having appeared as claimant, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration. As a result of the segregation operations, 226 bags of the product were found unfit and were denatured for use as animal feed.

**21560. Adulteration of flour. U. S. v. 93 Bags \* \* \*. (F. D. C. No. 36467.)**  
Sample No. 52160-L.)

**LIBEL FILED:** March 26, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 9, 1954, from New York, N. Y.

**PRODUCT:** 93 100-pound bags of flour at Jersey City, N. J., in possession of Foods, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 13, 1954. Default decree of condemnation and destruction.

### MACARONI AND NOODLE PRODUCTS\*\*

**21561. Adulteration of macaroni and spaghetti. U. S. v. 2 Cases, etc. (and 2 other seizure actions). (F. D. C. No. 36447. Sample Nos. 44025-L to 44027-L, incl., 82205-L, 82207-L.)**

\*See also No. 21557.

\*\*See also No. 21558.

**LIBLE FILED:** March 31, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about May 7 and November 5, 1952, and January 27, 1953, from Wichita, Kans., St. Louis, Mo., and Chicago, Ill.

**PRODUCT:** 2 cases, each containing 24 7-ounce packages, 4 cases, each containing 24 12-ounce bags, and 4 cases, each containing 24 16-ounce bags, of macaroni, and 8 cases, each containing 24 7-ounce packages, and 3 cases, each containing 24 12-ounce bags, of spaghetti, at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 14, 1954. Default decrees of condemnation and destruction.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21562. Adulteration of unpopped popcorn. U. S. v. 13 Cartons \* \* \*. (F. D. C. No. 36754. Sample No. 63877-L.)**

**LIBLE FILED:** May 27, 1954, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 28 and March 31, 1954, by the Excel Popcorn Co., from Fairfield, Iowa.

**PRODUCT:** 13 cartons, each containing 24 packages, of unpopped popcorn at Kirksville, Mo.

**LABEL, IN PART:** (Package) "Top-Value \* \* \* Hy-Brid Pop Corn Guaranteed To Pop Net Weight 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed kernels, rodent excreta, and rodent urine; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21563. Adulteration of rice. U. S. v. 17 Bags \* \* \*. (F. D. C. No. 36748. Sample No. 83747-L.)**

**LIBLE FILED:** May 21, 1954, District of North Dakota.

**ALLEGED SHIPMENT:** On or about February 24, 1954, from De Witt, Ark.

**PRODUCT:** 17 100-pound bags of rice at Grand Forks, N. Dak., in possession of the Nash-Finch Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 20, 1954. Default decree of condemnation and destruction.

**21564. Adulteration of Dumplets. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 35953. Sample No. 82257-L.)**

**LIBLE FILED:** November 6, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about November 17, 1950, from Kansas City, Mo.

**PRODUCT:** 10 cases, each containing 24 5-ounce bags, of Dumplets at Iola, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 22, 1953. Default decree of condemnation and destruction.

**21565. Adulteration of buckwheat, wheat, and corn mix. U. S. v. 5 Cases, etc.**  
(F. D. C. No. 36447. Sample Nos. 44023-L, 44024-L.)

**LIBLE FILED:** March 31, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about September 5 and October 19, 1951, from Springfield, Ill.

**PRODUCT:** 5 cases, each containing 12 2½-pound boxes, and 4 cases, each containing 24 1¼-pound boxes, of buckwheat, wheat, and corn mix at Krebs, Okla. .

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 14, 1954. Default decree of condemnation and destruction.

**21566. Adulteration of rolled oats. U. S. v. 36 Cases, etc. (F. D. C. No. 36447.**  
Sample Nos. 44020-L, 44021-L.)

**LIBLE FILED:** March 31, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 22, 1953, from Cedar Rapids, Iowa.

**PRODUCT:** 53 cases, each containing 12 2-pound, 8-ounce packages, of rolled oats at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 14, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

**21567. Adulteration of frozen ocean perch fillets. U. S. v. 21 Cases \* \* \*.**  
(F. D. C. No. 36772. Sample No. 88861-L.)

**LIBLE FILED:** June 24, 1954, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about June 4, 1954, by Gem Fisheries, Inc., from the Central Cold Storage Co., Chicago, Ill.

**PRODUCT:** 21 cases, each containing 5 cartons, of frozen ocean perch fillets at Marinette, Wis.

**LABEL, IN PART:** (Carton) "Economy Pack Net Wt. Ten Lbs. Gem Quick Frozen Ocean Perch Fillets \* \* \* Produced by Gem Fisheries Inc., Boston, Mass."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** July 19, 1954. Default decree of condemnation and destruction.

**21568. Adulteration of canned minced razor clams. U. S. v. 102 Cases \* \* \*. (F. D. C. No. 36746. Sample Nos. 76290-L, 76293-L.)**

**LIBEL FILED:** May 19, 1954, District of Oregon.

**ALLEGED SHIPMENT:** On or about April 13, 1954, by the Mohawk Packing Co., from Moclips, Wash.

**PRODUCT:** 102 cases, each containing 24 cans, of minced razor clams at Portland, Oreg. Examination showed that the average drained weight was 2.85 ounces per can. The size can in which the product was packed should have contained a minimum of 3.5 ounces of drained clams.

**LABEL, IN PART:** (Can) "Net Weight 6½ Ozs. Avoir. Pacific Pearl Brand Minced Razor Clams."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), brine had been substituted in part for minced razor clams.

**DISPOSITION:** June 24, 1954. The Mohawk Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling and processing under the supervision of the Department of Health, Education, and Welfare.

**21569. Adulteration of crabmeat. U. S. v. 70 Cans, etc. (and 1 other seizure action). (F. D. C. Nos. 35894, 35895. Sample Nos. 50587-L to 50590-L, incl.)**

**LIBELS FILED:** June 9 and 17, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 25 and 29, 1954, by the Coastal Seafoods Co., from Beaufort, S. C.

**PRODUCT:** 170 1-pound cans of jumbo crabmeat and 348 1-pounds cans of special crabmeat at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance by reason of the presence of *E. coli*.

**DISPOSITION:** July 13, 1954. Default decrees of condemnation and destruction.

**21570. Adulteration of frozen shrimp. U. S. v. 150 Cartons, etc. (F. D. C. No. 36521. Sample No. 50189-L.)**

**LIBEL FILED:** On or about April 27, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 5, 1954, from Jacksonville, Fla.

**PRODUCT:** 150 5-pound cartons and 1 3-pound carton of frozen shrimp at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 14, 1954. Default decree of condemnation and destruction.

**FRUITS AND VEGETABLES****DRIED FRUIT**

**21571. Adulteration of dried currants.** U. S. v. 59 Boxes \* \* \*. (F. D. C. No. 36863. Sample No. 72044-L.)

**LIBEL FILED:** June 30, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 28, 1954, by the Pacific Raisin Co., from Fowler, Calif.

**PRODUCT:** 59 boxes, each containing 24 cartons, of dried currants at New York, N. Y.

**LABEL, IN PART:** (Carton) "Royal Scarlet Net Weight 15 Ounces \* \* \* Dried California Zante Currants."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

**21572. Adulteration of raisins.** U. S. v. 254 Cartons \* \* \*. (F. D. C. No. 36918. Sample No. 89552-L.)

**LIBEL FILED:** August 12, 1954, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 2, 1953, and May 18 and June 16, 1954, from Fresno, Calif.

**PRODUCT:** 254 30-pound cartons of raisins at Clear Lake, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 17, 1954. Default decree of condemnation. The court ordered that the product be sold, conditioned that it be denatured and disposed of as animal feed.

**JAMS, JELLIES, AND PRESERVES**

**21573. Adulteration of imitation loganberry jam.** U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36447. Sample No. 44029-L.)

**LIBEL FILED:** March 31, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about March 10, 1944, from Kansas City, Mo.

**PRODUCT:** 18 cases, each containing 6 4-pound, 8-ounce jars, of imitation loganberry jam at Krebs, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 6, 1954. Default decree of condemnation and destruction.

**VEGETABLES AND VEGETABLE PRODUCTS**

**21574. Adulteration of dried baby lima beans.** U. S. v. 15 Bags \* \* \*. (F. D. C. No. 36541. Sample No. 75651-L.)

**LIBEL FILED:** On or about May 5, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about January 16, 1954, from Sterling, Colo.

**PRODUCT:** 15 100-pound bags of dried baby lima beans at Blackstone, Va., in possession of Barrow Grocery Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of condemnation and destruction.

**21575. Adulteration of dried pinto beans. U. S. v. 7 Bags \* \* \*. (F. D. C. No. 36537. Sample No. 75653-L.)**

**LABEL FILED:** On or about May 5, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about January 16, 1954, from Sterling, Colo.

**PRODUCT:** 7 100-pound bags of dried pinto beans at Kenbridge, Va., in possession of Adams, Harris & Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of condemnation and destruction.

**21576. Adulteration of olives. U. S. v. 17 Casks \* \* \*. (F. D. C. No. 36490. Sample No. 58296-L.)**

**LABEL FILED:** April 8, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 10 and 11, 1954, by S. Jackson Sons, Inc., from New Orleans, La.

**PRODUCT:** 17 casks, each containing 1,050 pounds, of olives at Chicago, Ill.

**LABEL, IN PART:** (Casks) "Olive \* \* \* M Casado Broken Queens \* \* \* W/PIM."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives, and of a decomposed substance by reason of the presence of decomposed olives.

**DISPOSITION:** June 10, 1954. Default decree of condemnation and destruction.

**21577. Adulteration of olives. U. S. v. 7,350 Pounds \* \* \*. (F. D. C. No. 36728. Sample No. 43562-L.)**

**LABEL FILED:** April 29, 1954, Northern District of California.

**ALLEGED SHIPMENT:** The product was delivered for shipment to New York, by Moscahlades Bros., Inc., on or about February 18, 1954.

**PRODUCT:** 7,350 pounds of olives in 49 kegs at Alameda, Calif.

**LABEL, IN PART:** "San Francisco Produce of Greece Giants," "Los Angeles Produce of Greece Giants," and "Mammoth Sicilian Giurlani Regina Olive Co."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed olives.

**DISPOSITION:** June 15, 1954. Default decree of condemnation and destruction.

21578. Adulteration of potato chips. U. S. v. 62 Cases \* \* \*. (F. D. C. No. 36719. Sample No. 88640-L.)

LIBEL FILED: April 16, 1954, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about April 5, 1954, by the General Nut Sales Co., from Minneapolis, Minn.

PRODUCT: 62 cases, each containing 12 packages, of potato chips at Stevens Point, Wis.

LABEL, IN PART: (Package) "Full Pound (16 Ounces) \* \* \* Lazy Sue Brand Fresh Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the use of decomposed potatoes in its manufacture.

DISPOSITION: June 2, 1954. Default decree of condemnation. The court ordered that the product be destroyed, or denatured and disposed of for a purpose other than for human consumption.

21579. Adulteration of canned sauerkraut. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 36721. Sample No. 82780-L.)

LIBEL FILED: April 20, 1954, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 11, 1954, by the Empire State Pickling Co., from Phelps, N. Y.

PRODUCT: 42 cases, each containing 24 cans, of sauerkraut at Ambridge, Pa.

LABEL, IN PART: (Can) "Silver Floss Brand Contents 1 Lb. 11 Oz. Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 22, 1954. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

21580. Adulteration of canned tomatoes. U. S. v. 120 Cases \* \* \*. (F. D. C. No. 36899. Sample Nos. 4276-L, 87853-L.)

LIBEL FILED: On or about July 16, 1954, District of Maryland.

ALLEGED SHIPMENT: On or about June 25, 1954, from Philadelphia, Pa. This was a return shipment.

PRODUCT: 120 cases, each containing 24 1-pound cans, of tomatoes at Chestertown, Md.

LABEL, IN PART: (Can) "Red-Glo Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 12, 1954. Default decree of condemnation and destruction.

21581. Adulteration of tomato paste. U. S. v. 449 Cases \* \* \*. Tried to the court; decision for the claimant. Reversed upon appeal. Decree of condemnation and destruction. (F. D. C. No. 31401. Sample No. 37533-L.)

LIBEL FILED: July 30, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 21, 1951, by Mendes & Anjos, Ltd., from Lisbon, Portugal.

PRODUCT: 449 cases, each containing 10 cans, of tomato paste at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Tomato Paste \* \* \* Packed In Portugal Salutar Net Contents 10 Lbs. About."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: Argiris Fantis appeared as claimant and filed an answer to the libel denying that the product was adulterated as alleged. The case came on for trial before the court without a jury on February 18, 1953; and, at the conclusion of the testimony, the case was taken under advisement by the court. On April 8, 1953, the court handed down the following opinion:

BYERS, District Judge: "This is a seizure proceeding under the Food and Drug Act involving 449 cases each containing 10 ten-pound cans of tomato paste out of a shipment of 500 slatted wooden cases, which were landed in this District on April 9, 1951, the entry being in bond. The import cost, including duty, etc., was in excess of \$9,000.00.

"On April 10, 1951, samples were taken, namely five cans, by the Federal Security Agency, under the Federal Food, etc., Act, and on the same day the importer received a notice not to dispose of his merchandise pending word from the Food and Drug Administration.

"Under date of April 16, 1951, the claimant received Claimant's Exhibit A, namely an official notice from that Department that the goods need not be further held. Then the importer paid for the merchandise, plus the duty and other charges in connection therewith. His testimony is uncontradicted that the purchase price was payable by a letter of credit, and that his contract of purchase provided that payment should be withheld until the U. S. Food and Drug Inspection Service had passed and approved the merchandise.

"Having received Claimant's Exhibit A, he paid the purchase price and other charges as stated, and removed and sold fifty cases from the entire lot. No complaint in reference thereto has ever been made.

"On July 2, 1951, the Government Witness Sheehan, being a food inspector of imported merchandise, went to the Bush Terminal dock 53, where this paste was being held to make a survey 'to see if bonded imports were properly stored.' He said that he noted that some of these cases had been reconditioned, and that nine of the tins had been resoldered. On July 6, 1951, he took three assorted re-soldered tins for samples, and noted that the soldered spots looked to be new. Those tins were properly identified. In the course of this survey, he opened twenty cases in all. Thus, 200 tins were exposed to his view of which nine had been resoldered. He testified on redirect that he was not looking for tomato paste when he made this survey and didn't know it was on the pier.

"As to these three tins, a mould count was made by Grace E. Sly, a chemist employed by the Government, and she explained her procedures and her findings, as to each of the three cans.

"All expert testimony on this subject will be later tabulated. The respective findings present the only contested issues in the case, which explains the narrative rather than itemized form of this recital.

"Seemingly nothing was done by the Department until August 24, although there must have been communication with the claimant because on the latter day the witness, North, also an inspector, kept an appointment at the pier when he removed ten cans, i. e., one from each of 10 cases, as did the claimant, the cans being adjacent as to each removal. These cans had no soldered spots and it is a reasonable inference that the Government was not satisfied to proceed pursuant to its findings as to the first three soldered cans, which contained a clot of moulded content under the soldered patch; the clot was first removed, and a test was made as to the balance of the contents of the can; therefore a new inspection was ordered on August 24 and the contents of

unpatched cans were tested, according to the witness Krinitz, and he stated the results of his counts, listed below.

"The Department's witness Eisenberg also tested samples from these cans.

"Finally the claimant's witness Chiano, senior chemist from the Swartz Laboratory, made a mould count, at the instance of the claimant, from the cans taken on August 24, 1951, with the results to be stated.

"The four tests, three by the Government and one by the claimant, yielded the following results:

Government's Tests			Claimant's Tests	
U. S. Lab. initial tests	Krinitz U. S. chemist	Eisenberg U. S. chemist	Chiano private chemist	
8	42	60	50	
38	46	60	49	
38	57	56	46	
30	46	54	30	
34	38	58	42	
	48	70	38	
	55	54	37	
	25	44	24	
	61	60	37	
Avg-----	29.6	43	56	38.5

"The foregoing were obtained as the result of employing a standard procedure, namely the official mould count published in the Book of Methods of Official Agricultural Chemists, 5th Edition.

"Concededly there is an administrative tolerance of 40% of positive fields for tomato paste as to the United States and 50% as to Canada. This considerable range perhaps points to a lack of certainty concerning the precise effect upon the chemistry of the human body of the condition revealed by the several analyses which have been tabulated. Mould, of course, represents a stage in the process of decomposition, but it is familiar knowledge, for instance, that mould is present in cheese, which so far from rendering it unfit for human food accomplishes the direct opposite according to the taste of the individual; we are told that penicillin is a mould product. Therefore it would seem that the Government's proof in this case should have been more informing than it was in this connection.

"The discrepancy revealed in the findings as above stated by the two Government chemists who testified is wider than might be expected as the result of conducting uniform tests upon the same subject matter, which ought to yield reasonably uniform scientific results, while what actually appears is that Eisenberg's low count is 44 and his high count is 70, while Krinitz's low count is 12 and his high is 61. The average of the former is 56, and of the latter 43.

"The initial Government tests made in the New York Laboratory as the result of which the shipment was released, conducted in the same way, yielded a low count of 8 and a high count of 38. Thus the Government witnesses are shown to be in conflict.

"Chiano's findings show a low count of 24 and a high of 50, with an average of 38.5. (He said 39.7 on the stand.) One of the experts was asked if all mould is deleterious, and the answer of counsel was that it was no part of the Government's case to demonstrate that the seized shipment is such in fact. He said that reliance was had upon the language of the statute, namely Title 21 U. S. C. 342 [402], headed, 'Adulterated Food' of which Section A (3) reads:

If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for food.

"In order to justify such a drastic procedure as the Government here seeks to employ, it is the view of this Court that the mere assertion of the results of the mould counts made in connection with this seizure does not demonstrate that these cans of tomato paste are shown to have fallen within the prohibition of the above statute; in other words, viewing the case as a whole it is concluded that the Government has not carried its burden of proof that the tomato paste which is the subject of this cause was adulterated within the meaning of the Federal Food, Drug and Cosmetic Act. It is to be remembered that the first analysis made by the Government chemist which appears in the foregoing tabulation was destructive of the Government's entire case, from which it follows that its burden of proof was very much heavier than would have been true in the absence of such a showing.

"Accordingly, the order of condemnation which the Government seeks will be denied, and the release of the shipment is hereby directed. Settle order."

Pursuant to the above opinion, the court, on May 12, 1953, entered an order by which condemnation was denied and the seized goods were released to the claimant. The Government then filed a motion for a new trial, and on June 19, 1953, after hearing arguments of counsel, the court denied the motion in accordance with the following opinion:

**BRUCHHAUSEN, District Judge:** "This is a motion for an order to set aside the judgment of this Court dated May 12, 1953, and to grant a new trial on the ground of newly discovered evidence. The judgment sought to be set aside denied an order of condemnation and directed the release of certain allegedly defective cans of tomato paste.

"After judgment in favor of the libelee, the government now moves for a new trial on the ground of newly discovered evidence, alleging in substance that the canned food is now in such a condition that it should be condemned. The present condition of the goods is not disputed by the libelee.

"The interpretations of Rule 59 of the Federal Rules indicate that the Court's discretion should not be exercised in favor of the motion for a new trial.

"In the affidavit of Mr. Thomas Bartram, a bacteriologist for the United States Government, submitted in support of the motion for a new trial, the affiant stated:

On the basis of information obtained in this manner, it is my conclusion that the lot of tomato paste in question is undergoing extensive chemical decomposition. This decomposition is the result of chemical action occurring between the contents (tomato paste) and the metal of the container. In this process gas (hydrogen) is released which produces bulging or swelling of the container, frequently to such an extent that the can bursts, spattering the contents over adjacent containers. The containers so spattered are subject to rust which has either already, or eventually will penetrate the container.

"It is clear that this is not newly discovered evidence but that it was either an inherent factor of the goods, not diligently sought at the time of the trial, or that it occurred after the trial, and so was wholly unconnected with the previous condition. The Court of Appeals for the Second Circuit in *Campbell vs. American-Foreign S. S. Corporation* 116 F. 2nd 926, 928, a case involving the recovery after trial of a disabled plaintiff, said:

The facts alleged in support of the motion do not constitute "newly discovered evidence" within the rule. That phrase refers to evidence of facts in existence at the time of the trial, of which the aggrieved party was excusably ignorant. If it were ground for a new trial that facts occurring subsequent to the trial have shown that the expert witness made an inaccurate prophecy of the prospective disability of the plaintiff, the litigation would never come to an end.

"Now, if this present condition might be described as an inherent factor of the goods at the time of the trial which had not manifested itself until after

the trial, there is no allegation sought and excusably overlooked. Cases are legion which show that diligence should be shown, and that such evidence would not have been found.

"If on the other hand the condition of the goods is a fact which occurred after judgment and discovered then, it is clearly not newly discovered evidence.

"Without in any wise alluding to what may or may not be the ultimate rights between the parties, or the ultimate disposition of the goods, the motion is denied."

A notice of appeal to the United States Court of Appeals for the Second Circuit was filed by the Government on July 10, 1953; and, on April 22, 1954, after consideration of the briefs and arguments of counsel, the following opinion was handed down by that court:

CLARK, *Circuit Judge*: "This appeal concerns a seizure proceeding under the Federal Food, Drug, and Cosmetic Act involving 449 cases of tomato paste allegedly 'adulterated' within the meaning of § 402 (a) (3) of that act, 21 U. S. C. § 342 (a) (3). The government as libelant has sought—so far unsuccessfully—condemnation of the food in question upon a showing that it contained tissues rotted, but not necessarily deleterious to health.

"The tomato paste, imported from Portugal, was landed in Brooklyn in the Eastern District on April 9, 1951, the entry being in bond. Representatives of the Federal Security Agency took samples for inspection; and on April 16 claimant, A. Fantis, the importer, received official notice from the Food and Drug Administration that the goods need not be further held. Claimant thereupon paid for the shipment and removed and sold fifty cases from the entire lot. In July, however, a government food inspector, checking the warehouse, noticed that several of the cases had been reconditioned; and closer inspection revealed that several cans had been resoldered. This discovery led to a re-testing of the shipment, which disclosed the presence of mold in the tomato paste in quantities exceeding administrative tolerances. The instant proceedings ensued.

"It is undisputed that mold in tomato products indicates decomposition. It is also undisputed that when, as here, it results from rot in the tomatoes present before processing, it is not visible to the naked eye, but is detectable only by microscopic examination. Libelant at the trial did not offer proof that the paste was deleterious or unfit for food, in any way other than the decomposition, but contended that it was no part of the government's case to go beyond the showing made as to decomposition. Thereafter the district judge filed an opinion holding that the government had not sustained its burden of proof and that the shipment should be released to the claimant. D. C. E. D. N. Y., 11 F. Supp. 478. Libelant appeals from the resulting order.

"Section 402 (a) (3) provides that a food shall be deemed to be 'adulterated,' and hence subject to condemnation under § 304 (a), 21 U. S. C. § 334 (a), upon shipment in interstate commerce: 'if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.' The district court apparently read 'unfit for food' as limiting the entire section by virtue of the word 'otherwise,' and as requiring a showing that the product was deleterious. It is this construction which presents the issue on appeal. The point is novel in this circuit, though it has been decided by several other courts which have uniformly held that the government need not prove unfitness for food other than filth or decomposition. *Bruce's Juices v. United States*, 5 Cir., 194 F. 2d 935; *Salamonie Packing Co. v. United States*, 8 Cir., 165 F. 2d 205, certiorari denied 333 U. S. 863; *United States v. 1851 Cartons Labeled in Part H. & G. Famous Booth Sea Foods Whiting Frosted Fish*, 10 Cir., 146 F. 2d 760; *United States v. 935 Cases, More or Less, Each Containing 6 No. 10 Cans of Tomato Puree*, D. C. N. D. Ohio, 65 F. Supp. 503; *United States v. 44 Cases, etc., Viviano Spaghetti with Cheese*, D. C. E. D. Ill., 101 F. Supp. 658, 663; see also *United States v. Lazere*, D. C. N. D. Iowa, 56 F. Supp. 730; *United States v. 184 Barrels Dried Whole Eggs*, D. C. E. D. Wis., 53 F. Supp. 652; and the monographic comment, *Developments in the Law—The Federal Food, Drug, and Cosmetic Act*, 67 Harv. L. Rev. 632, 644. This unanimity of view is itself impressive; moreover, we think the conclusion it represents is required

both by the statutory language and by the history and general pattern of the legislation.

"The entire subject matter of this subdivision of the statute is covered by two co-ordinate 'if' clauses; and the second 'if' indicates plainly that the second clause introduced thereby is co-ordinate and independent, rather than a qualification of the antecedent clause. The first clause expressly bans all products composed in whole or in part of any filthy, putrid, or decomposed substance; and the second clause goes on to add to the ban substances which were unfit for food for any other reason.

"Furthermore, the other subdivisions of § 402 (a) make specific reference to products which are 'poisonous,' 'deleterious,' 'injurious to health,' or 'the product of a diseased animal.' These provisions cover those cases where danger to health is direct and demonstrable. The specific listed characteristics are clearly essential elements to be proved in actions under those provisions which refer to them. But in the first clause of § 402 (a) (3) the sweeping ban of products consisting in whole or in part of any decomposed substance without reference to their effect on health is not made to depend on any such additional props or findings to support the ultimate conclusion requiring the ban. It may well be that, in the judgment of the legislators, the presence of any substantial amount of rot in any food product was a sign of danger sufficiently pointed to justify and require the exclusion of the product from unrestricted circulation in interstate commerce. Or we may accept an acute suggestion of Judge Maris in *United States v. 133 Cases of Tomato Paste*, D. C. E. D. Pa., 22 F. Supp. 515, 516, that this section 'was designed to protect the aesthetic tastes and sensibilities of the consuming public,' and that the presence of such material in food, whether 'perceptible by the consumer' or not, would offend both. For present decision it matters not which rationale is preferred, since in either event congressional power is clear and is not now challenged.

"It should be noted also that the further class of adulterated foods thus added, *i. e.*, 'otherwise unfit for food,' is a broad general classification allowing 'the widest variety of reasons for condemning a food,' 67 Harv. L. Rev. 632, 645, and not limited to either proof of filth or decomposition or to conditions deleterious to health. See, *e. g.*, *United States v. 24 Cases, More or Less*, D. C. Me., 87 F. Supp. 826 (canned herring roe of a 'tough, rubbery consistency'), and cf. *United States v. 298 Cases, etc., Ski Slide Brand Asparagus*, D. C. Ore., 88 F. Supp. 450 (dealing with 'stringy asparagus'); and Steffy, 'Otherwise Unfit for Food'—*A New Concept in Food Adulteration*, 4 Food Drug Cosmetic L. Q. 552 (1949) (citing a variety of examples). There is therefore no basis for equating unfitness for food with injury to health, and the assumed logical progression from decomposition to unfitness for food to injury to health as showing identic terms thus doubly fails.

"The conclusion of these authorities, following the statutory language, that the phrase 'unfit for food' is not constrictive, but rather is additional or cumulative, is of controlling importance here. Any attempt to develop a constrictive meaning runs into the difficulty—highlighted by the statutory history developed below—that there is literally no place to which the argument may lead. As appears, complete identification of this phrase with 'injurious to health' is universally excluded. But it is manifestly impossible to work out some *tertium quid*, of content sufficient to be grasped and acted upon by government inspectors or courts, of matter which is worse than filthy, putrid, or decomposed, but still less than injurious to health. At most, search for such an intermediate ground can only suggest something by way of a greater degree of filthiness or putridity, perhaps along the line of the government tolerance actually allowed, or, if not this, something hopelessly vague and variable, dependent upon the taste buds or olfactory senses of the inspectors and too shifty a basis to serve as embodiment of congressional intent of drastic prohibition with both civil and criminal sanctions. So it is not surprising that no precedent or authority actually supports such a classification. And so the argument for restrictive interpretation of the statute slips insensibly, although perhaps necessarily, into an identification of food unfitness with health injury. This becomes even more manifest upon an examination of the statutory history to which we now turn.

"The particular definition of adulterated articles here involved—§ 402 (a) (3) *supra*—goes back to the original Federal Food and Drugs Act of June 30,

1906, which in § 7, 21 U. S. C. § 8, provided that an article 'shall be deemed to be adulterated \* \* \* Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.' It will be noted that this limits the phrase 'unfit for food' to animal matter and unmistakably separates it from the reference to 'filthy, decomposed, or putrid animal or vegetable substance.' And so the uniform construction of the early act afforded 'decomposed' an unrestricted meaning, requiring no proof of injury to health, e. g., *A. O. Andersen & Co. v. United States*, 9 Cir., 284 F. 542; *United States v. 133 Cases of Tomato Paste*, *supra*, D. C. E. D. Pa., 22 F. Supp. 515; *Knapp v. Callaway*, D. C. S. D. N. Y., 52 F. 2d 476; *United States v. Two Hundred Cases, More or Less, of Canned Salmon*, D. C. S. D. Tex., 289 F. 157; *United States v. Krumm*, D. C. E. D. Pa., 269 F. 848; *United States v. Two Hundred Cases of Adulterated Tomato Catsup*, D. C. Ore., 211 F. 780.<sup>1</sup>

"On the same day that Congress enacted the Food and Drugs Act, 34 Stat. 768, it enacted the parallel and complementary Meat Inspection Act of 1906, 34 Stat. 674—a temporary measure which was permanently re-enacted in identical language in 1907, 34 Stat. 1260. The provisions for inspection of meat in this companion act continuously use the language 'unfit for human food,' sometimes with 'otherwise,' 21 U. S. C. §§ 71, 72, 76, 92, and sometimes without, 21 U. S. C. §§ 74, 89. The full phrase, as later used in § 402 (a) (3) *supra* of the present act, therefore goes back to this time; and the several usages in the various sections, taken separately or cumulatively, and in their respective settings, are only rationally to be interpreted as adding an additional—not a delimited—class of banned products. When the phrase appears presently in § 402 (a) (3), it clearly should have the same significance.<sup>2</sup>

"Thus Congress, when it enacted the present provisions, was aware of the broad construction placed on the earlier wording, as shown by the uniform course of case precedent *supra*; and the Act of 1938 here follows the earlier act so closely that an intent to restrict the provisions in material respect is not to be inferred. Sen. Rep. No. 361, March 13, 1935, on S. 5, Cal. 375, 74th Cong., 1st Sess., states: '\* \* \* the provisions of Section 301 (2), (3) and (5) [later incorporated into 21 U. S. C. § 342 [402] (a)] dealing with filthy food and food from diseased animals are essentially the same as those of the

<sup>1</sup> In examining these cases it is necessary to bear in mind the distinction adverted to in the text between "unfit for food" and "injurious to health" and the inveterate tendency to slip into a complete identification of the two. What these cases are deciding is that the latter is unnecessary for the statutory violation, and occasional references to the former, separated from context, are imprecise and obviously not intended as definition. A good example is *A. O. Andersen & Co. v. United States*, 9 Cir., 284 F. 542, where, in reaching its clear-cut holding, the court did quote from other cases and itself refer to the product affirmatively within the prohibition as that which was "so far decomposed as to be unfit for food." But this is description, not definition or restriction. Thus the court went on to hold that "while a small percentage of adulteration, found only in a small percentage of the product, might not and would not ordinarily satisfy the court or jury that the whole product is adulterated, yet in a case like this, where the jury might properly infer or find that approximately one-fifth of the entire product was unfit for human consumption, and that the adulteration extended to the entire product, no such question can arise." 284 F. at page 545. Thus as to four-fifths of the product, there was still adulteration, albeit no proof of unfitness for food. So in none of these cases is attempt made to solve the dilemma which would have been presented by the converse ruling as to what could be a food unfitness more than putridity, filth, or decomposition and less than injurious to health.

<sup>2</sup> It is suggested that since, as in 21 U. S. C. § 72, the phrase "or otherwise unfit for human food" follows the words "unsound, unhealthful, unwholesome," it is restricted in meaning to deleterious to health. But this will not do for several reasons. First, it does violence to the language used. "Unhealthful" may perhaps suggest the urged meaning, but surely neither "unsound" nor "unwholesome" carries any such connotation. This is made doubly clear by the other usages throughout these sections. These are too numerous to quote in detail, but they support the inclusive meaning ascribed by the precedents. Thus 21 U. S. C. § 72 has several variations, e. g., "sound, healthful, wholesome, and fit for human food"; "unsound, unhealthful, unwholesome, or otherwise, unfit for human food"; "unsound, unhealthful, unwholesome, or in any way unfit for human food"; and a final duplication of the second phrase quoted; and 21 U. S. C. § 74 ties the phrases to meat containing dyes or preservatives, etc. Second, since meat products were not exempted from the Food and Drugs Act until 1938, 21 U. S. C. § 392, inspection and condemnation under, e. g., § 72 *supra* must mesh with and parallel the definition of adulteration under the former § 7 21 U. S. C. § 8, *supra*. And third, the attempted interpretation runs into the cul-de-sac referred to above of complete identification of unfitness for food with injury to health.

present law,'<sup>3</sup> Moreover, amplification, rather than restriction, of power is indicated elsewhere in the 1938 Act, as in the definition of adulterated drugs and devices in 21 U. S. C. § 351 [501] (a), which separates even by numbered clause and semicolon those consisting (1) of 'any filthy, putrid, or decomposed substance' from those, (2) and (3), which are 'injurious to health.'<sup>4</sup> So, viewing the key phrase here in the light of history and the over-all pattern of the legislative intent, we are clear that it must receive the same construction when applied to tomato paste as when applied to meat or drugs or oleomargarine or butter. It follows that we find correct, and agree with, the modern current of authority cited at the beginning of this opinion.

"It is of course true, as is often pointed out, e. g., 67 Harv. L. Rev. 632, at 644, 696, that the power granted is very broad, and 'literal application of the statute could lead to unjustified harshness.' But Congress has attempted to meet this difficulty by granting a large measure of discretion to the administrator, originally the Secretary of Agriculture, later the Federal Security Administrator, and now the Secretary of Health, Education and Welfare. In addition to provisions not here immediately pertinent for regulations making certain exemptions or granting certain tolerances, 21 U. S. C. §§ 345 [405], 346 [406], there is a significant provision in the chapter authorizing penalties, injunctions, and seizures that nothing therein 'shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.' 21 U. S. C. § 336 [306]. Obviously the Congress considered such administrative control a wiser course than the hedging of power by various theoretical restrictions, the negativing of which might be difficult of proof in a particular case. And its wisdom is indicated in this very case, where the product is prepared for and sold in quantity distribution, in cans of 'Net Contents 10 Lbs. About' of concentrated paste, thus indicating distribution to restaurants and institutions, where customers and inmates cannot easily, if at all, protest the serving of rotten tomato paste, unlike ordinary retail sales, where housewives do have some possible chance of protecting themselves against unwholesome products by buying first-grade articles at top prices.

"Hence the district court was in error in its construction of the governing statute. There was further error in the holding that the government had a 'very much heavier' burden of proof here than usual because of its first analysis which resulted in original clearance of the goods. D. C. E. D. N. Y., 111 F. Supp. 478, 480. We have held that in this class of cases the government has no extraordinary burden, but only the usual one of proof by a fair preponderance of the evidence. *United States v. 5 Cases, More or Less, Containing 'Figlia Mia Brand,'* 2 Cir., 179 F. 2d 519, 524, certiorari denied *Five Cases of Figlia Mia Brand of Oil v. United States*, 339 U. S. 963. Even if there were any basis for applying some rule of estoppel against government agencies in their enforcement of regulatory laws for the general welfare, there is nothing either in the grant of administrative favor or the then less compelling cast of the evidence—discussed below—to change this rule of law.

"The order denying condemnation and releasing the goods to the claimant must therefore be reversed. And we think the state of the record is such that we should order judgment for the government, rather than remand for further trial. True, the district judge because of his rulings of law did not go on to make specific findings as to the degree of decomposition of the product. But the evidence was reasonably complete and upon it, taking it in favorable aspects to the claimant and even upon the testimony of his own expert, we think it clear,

<sup>3</sup> The report of the House Committee on Interstate and Foreign Commerce on S. 5, H. R. 2139, 75th Cong., 3d Sess., Apr. 14, 1938, declares that the bill "amplifies and strengthens the provisions to safeguard the public health." The report makes no reference to the change in § 402 (a) (3), 21 U. S. C. § 342 (a) (3), under discussion, but, in treating of the section as a whole, discusses several major extensions of the definition of "adulterated" not here relevant. There is no suggestion of any intent to restrict the powers of the administrator.

<sup>4</sup> In the most recent legislation on the subject, that of 1950 removing previous shackles on the sale of oleomargarine, the same pattern appears. Thus Congress added a new subdivision, (e), to this definition of "adulterated" food, § 402, 21 U. S. C. § 342, *viz*: "If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food." The complete separation of the last clause from the earlier part of the provision is thus clearly manifest.

as a matter of law, that the product was adulterated within the statutory meaning. For a demonstration of this, some further analysis of the record is necessary.

"It was agreed by both parties that the test to be employed was the Howard Mold Count as approved by the Association of Official Agricultural Chemists (Book of Methods of the Association of Official Agricultural Chemists, 7th Ed., § 35.64, p. 723). By this test a small amount of the duly mixed tomato paste is put upon a particular slide, the Howard mold count slide, for microscopic examination, the chemist in charge examining 25 fields of view on each slide and 4 slides or 100 fields (a minimum of 50 fields being required under the Howard count). The percentage number of microscopic fields in which mold filaments appear is therefore noted and deductions made as to the existence of mold signifying the use of tomatoes with rotted tissue. The government chemists worked with a tolerance of 40 per cent; that is, as one of the experts succinctly put it, 'that the Administrator would not take action on products of this sort where the mould count did not exceed 40 percent.'<sup>5</sup> It will be noticed that under this test there is no direct gauge or measure of the amount of rot in particular samples, but rather of its prevalence throughout the various fields observed. As the expert testimony showed, under this method variations in result as among the different fields observed would be normal; the experts were looking for the number of fields showing mold filaments according to their prescribed standards, not the amount of mold in each—a point the district judge seems to have overlooked in stressing what he thought to be unusual discrepancy revealed as between the government chemists who testified. The tests reported seem to us therefore significant of the presence of rot in the product.

"There was a total of 40 mold counts made on 30 cans of tomato paste from the seized shipment. Of those, 24 exceeded the administrative tolerance, as did the average of all mold counts, namely, 43.6%. The mold counts made by 4 government analysts on 18 different cans varied from a low of 8 to a high of 70, with the last average by Analyst Eisenberg being 56. Claimant's own expert found an average mold count, as he testified, of 39.7%; on a post-seizure sample of 10 cans he found that one-half of his counts exceeded the administrative tolerance. Further breakdown of the figures in the record is set forth in the footnote.<sup>6</sup> The claimant's expert himself answered 'Yes' to the question: 'On the basis of your counts would you draw the conclusion that there was rotten tissue in this tomato paste?' As indicated in the note, the sampling seems fair and to a considerable extent controlled by the claimant, particularly as to the final tests.

<sup>5</sup> He went on to say: "However, a late announcement, in 1951, I think, indicated that other factors would be taken into consideration besides mould count in the seizing of goods."

<sup>6</sup> The following table shows the results of all the tests from the initial to the final ones:

Government's Counts

Import Sample	Seizure Sample Analyst Sly	Post Seizure Sample Analyst Krinitz	Post Seizure Sample Analyst Eisenberg
8	42	42	60
38	33	46	60
38	61	57	56
30		46	54
34		38	58
		48	70
		55	54
		27	44
		61	60
		12	44
Avg.....	29.6%	45.3%	43.2%
			56%

(Footnote continued on page 250)

"It is therefore clear that there was decomposed matter in all the samples, more substantially evidenced in some than in others, but enough to bring the average well over the administrative tolerance. We think violation of the statute therefore demonstrated, and the goods subject to forfeiture. If we accept the government's allowance of 40 per cent before prosecution is had, nevertheless the showing here is adequate to bring a very substantial portion of the shipment (undifferentiated from the entire mass) above that amount. It is doubtful, however, how far we may accept that tolerance. Here there is no definite provision for administrative setting of a tolerance, as under 21 U. S. C. § 346 [406] for example. Though the Secretary under 21 U. S. C. § 336 [306] would be justified in withholding prosecution, yet, when had, there would seem no authority for us to waive statutory violation perhaps beyond the principle of *de minimis*, as suggested in 67 Harv. L. Rev. 632, 645 *supra*. The question here involved is raised in *United States v. 935 Cases, More or Less, Each Containing 6 No. 10 Cans of Tomato Puree*, *supra*, D. C. N. D. Ohio, 65 F. Supp. 503, 505, where Judge Jones refers to the discretion given the Administrator not to report or prosecute minor violations and to make regulations of exemption or tolerance under 21 U. S. C. §§ 345 [405], 346 [406], but adds: 'No such provision for regulation making exemptions, or for tolerating unavoidable ingredients is provided with respect to Section 342 [402] (a) (3).' This is the only case of the group cited above dealing with the present legislation (several of which were tried to the jury) where the question of a tolerance is even mentioned. But it accords with the view taken earlier, as in *A. O. Andersen & Co. v. United States*, 9 Cir., 284 F. 542, 545, quoted in note 1 *supra*.

"Under either view, therefore, we think the shipment subject to condemnation. The order is accordingly reversed and the action remanded for the entry of a decree of condemnation."

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FRANK, *Circuit Judge, dissenting*: "Fantis, the owner of this tomato paste, imported it under a contract which provided that he need not pay for it unless it was released from bond on its approval by the Food and Drug Administrator. On April 9, 1951, the Administrator (through a subordinate) having inspected it, gave Fantis the necessary approval. As a consequence, Fantis paid some \$9,000 to the seller. Some three months later, the Administrator re-inspected the shipment, declared it in violation of the Act, seized it and, by this proceeding, sought a court order confiscating it. The Administra-

Footnote 6 continued:

Claimant's Counts

Post Seizure Sample—Analyst Chiano		Import Sample
42	42	38
50	37	33
49	24	-----
46	37	-----
38	32	-----
Avg.	39.7%	-----

This table, taken from appellant's brief and found to be correct on a check of the record and briefs, is slightly more inclusive and accurate than that set forth at 111 F. Supp. 479. It contains additionally the figures used by Analyst Sly, as well as those by claimant headed "Import Sample"; and it contains two variations, a substitution of 27 for 25 in one of the Krinitz counts, and of 42 for 30 in one of the Chiano counts, changing the averages for those counts from 43% and 38.5% to 43.2% and 39.7% as here correctly set forth.

The claimant actually controlled the sampling for the three final tests, since the government in every case selected a can next that chosen by claimant. The government in its samples ran two tests on each can, with the results indicated.

tor having won in this court under my colleagues' decision, Fantis will lose his property without any compensation—*i. e.*, he will be out the \$9,000.

"1. The pertinent section of the Federal Food, Drug and Cosmetic Act of 1938, is 21 U. S. C. § 342 [402] (a) (3), which authorizes condemnation (confiscation) of food as adulterated, 'if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.' The words 'filthy or putrid' have no relevance here, for the government does not charge that this tomato paste was either filthy or putrid. The government proved only that it contained some 'decomposed substance'—namely mold. It did not prove, or even try to prove, that this food was either deleterious to health or 'unfit for food.' Indeed, the government and my colleagues assert that such proof was not necessary. For an understanding of my position, it is desirable to highlight these facts:

"(a) The phrase 'decomposed matter,' as applied here, means simply and solely 'mold.'

"(b) The government admits that no one looking at this tomato paste, or tasting or smelling it, would have any knowledge that it contained any mold. The government's experts testified, and the government's brief states, that the presence of such mold in tomato paste can be detected only through a microscope and by an expert.

"(c) The evidence here discloses that virtually all tomato paste contains some mold.

"(d) So the use of the word 'rotten' (or of any other pejorative) indicates nothing in any way unpleasant or harmful but merely that the tomato paste contains some utterly harmless mold.

"(e) As several kinds of cheese which thousands of our citizens consider delectable—*e. g.*, Roquefort or Gorgonzola—contain very substantial quantities of mold, my colleagues' interpretation means that Congress authorized the Pure Food and Drug Administrator to condemn such cheese any time the Administrator happens to decide that it should not be sold.

"(f) No one (including the government, except my colleagues in their opinion here), has ever so much as intimated that the presence of mold in a can indicates a possible future deterioration of the contents of the can which may later render the contents injurious to health. Indeed, in this very case a government expert witness testified that, in a properly made can, the amount of mold present in the can when it is sealed, will never increase; and there is no proof that the cans here were not properly made and sealed.<sup>1</sup>

"(g) This suit is based upon alleged adulteration, under § 342 [402] (a) (3), not upon 'economic adulteration,'<sup>2</sup> or misbranding, *i. e.*, not upon any misrepresentation of the contents of the can. The Administrator, to protect consumers, has the power, under § 341 [401],<sup>3</sup> to issue regulations fixing reasonable standards of identity, quality and fill of containers, and has issued such regulations as to many foods.<sup>4</sup> He might have issued such a regulation relating to canned tomato paste, with specific reference to the percentage of mold. In that event, if the cans here had failed to meet that standard, there would have been mis-

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<sup>1</sup> See further discussion in point 3 of the Appendix to this opinion.

<sup>2</sup> See *Federal Security Administrator v. Quaker Oats*, 318 U. S. 218, 230; *United States v. Two Bags, etc.*, 147 F. (2d) 123 (C. A. 6); cf. *United States v. Carrio Corporation*, 185 F. (2d) 372 (C. A. 2).

<sup>3</sup> Section 341 [401] reads:

"Definitions and standards for food. Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality and/or reasonable standards of fill of container: *Provided*, That no definition and standard of identity and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the Secretary shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. Any definition and standard of identity prescribed by the Secretary for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing."

<sup>4</sup> See 67 Harv. L. Rev. (1954) at 660-661.

branding under § 343 [403] (g) or (h),<sup>5</sup> and confiscation would have been justified. But no such regulation exists. (In its absence, it is difficult to understand just what my colleagues mean when they say that housewives buying canned tomato paste—as distinguished from consumers of tomato paste, like that here, destined for sale to restaurants or institutions—‘do have some possible chance of protecting themselves against unwholesome products by buying first-grade articles at top prices.’ For, as above noted, no consumer is able to tell whether, or how much, mold is in a can of such paste.)

“2. My colleagues construe ‘decomposed’ as an absolute, *i. e.*, unqualified by the subsequent words ‘or otherwise unfit for food.’ In an Appendix to this opinion, I have stated my reasons for construing ‘decomposed’ as meaning so decomposed as to be ‘unfit for food’ but not so decomposed as to be deleterious to health. The record discloses not even a *soupcon* of evidence that this tomato paste, when seized, was unfit for food. Consequently, under my interpretation of § 342 [402] (a) (3), the district court’s order should be affirmed.

“3. However, under either interpretation, the Administrator has an amazingly wide and unregulated discretion (since, as my colleagues say, even ‘unfit for food’ has a most latitudinarian meaning). So, according to my colleagues’ view, if the Administrator, without any previous publication of a standard, chose to seize tomato paste containing but 5% of mold, the courts would have to enforce the seizure and confiscate the paste. This means the absence of any impediment to unequal treatment in the administration of the statute.

“My colleagues, to be sure, point to 21 U. S. C. § 336 [306] which reads, ‘Nothing in this chapter shall be construed as requiring the Administrator to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable notice or warning.’ But (aside from the fact that this section covers ‘minor violations’ only) my colleagues themselves recognize that it does not cut down the Administrator’s immense power, even as to most ‘minor violations,’ but leaves it entirely in the Administrator’s uncontrolled discretion to institute a successful proceeding to condemn any food containing mold: My colleagues explicitly rule that, once the Administrator has exercised his uncontrolled discretion and begun such a proceeding, the court must order the food condemned, no matter how small the amount or percentage of mold (unless perhaps it is so small as to come within the ‘*de minimis*’ principle). It follows that § 336 [306] does not in any way diminish the vast delegation of discretionary authority to the Administrator or preclude inequality in the exercise of that authority.

“4. I am not now prepared to say that such statutory delegation, although (as my colleagues say) coupled with no recognizable standard whatever, is unconstitutional. But our responsibility goes beyond adjudication of the validity of the legislative grant. It includes the duty of scrutinizing the methods employed in the processes of administering the granted power. Unless this power is in some way constrained (as I believe it has been by the Administrative Procedure Act), it permits dangerous administrative arbitrariness: The Administrator may one day confiscate Smith’s food product because it contains 10% of mold; the next day confiscate Williams’ because it contains 15%; and the day after, Robinson’s because it contains 40%.

“The fact that the Administrator had in no such case previously announced a standard binding upon him would not (except as I shall note in a moment) invalidate his action. I stress this fact because, in answer to Fantis’ complaint that he relied on the Administrator’s initial approval, the government

<sup>5</sup> They read as follows:

“Sec. 343 [403]. Misbranded food. \* \* \*

“(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 341 [401], unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

“(h) If it purports to be or is represented as (1) a food for which a standard of quality has been prescribed by regulations as provided by section 341 [401], and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (2) a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 341 [401], and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.”

says that he had no business thus to rely but, before expending his \$9,000, should have obtained the advice of an expert he might have hired. But, absent knowledge of some fixed standard, no expert could have given such advice.

"No doubt to avoid this sort of situation, Congress, in the Administrative Procedure Act, required administrative officials to publish their standards. Section 3 (a) (3) of that Act, 5 U. S. C. § 1002 (a) (3), provides that 'Every agency shall separately state and currently publish in the Federal Register \* \* \* (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public. \* \* \*' The Administrator's determination that food containing a certain percentage of mold is 'decomposed' and therefore subject to condemnation under the Act is both an interpretation of the Act and a statement of policy as to standards. As such, that determination should be published in the Federal Register in accordance with the provisions of § 3 (a) (3). The necessity of apprising the public of administrative standards and interpretations was apparent to the drafters of the Administrative Procedure Act for, in a report dealing with § 3 (a) (3), the House Committee stated:<sup>5a</sup> 'The section forbids secrecy of rules binding upon or applicable to the public or of delegations of authority. Mimeographed releases of many kinds now common should no longer be necessary since, if they contain really informative matter, they must be published as rules, policies, or interpretations. Substantive rules include the Statement of Standards.' H. Rep. 1980 on S. 7—79th Cong. 2d Sess. May 3, 1946.

"The Administrator did not comply with this provision. Indeed, one of the government experts testified in this case that the Administrator, since the seizure here, has changed his standard;<sup>6</sup> but no standard whatever, relative to mold in tomato paste, has ever been published in the Federal Register.<sup>7</sup>

"It may be noted that, in the trial court, Fantis' counsel stated that 'it has been recognized by President Truman that various departments in our Government, in order to overcome the necessity of increasing tariff laws, or increasing tariff rates and duty rates, have found other ways of discouraging importers from importing merchandise, and it is acknowledged, and a committee was appointed by President Truman, and there have been articles on this in the New York Times, and it is a well known by-word in the trade that various departments of the Government find methods other than duty to restrict importers from importing certain types of merchandise.' Fantis offered no proof to support such a conclusion. But, with utterly uncontrolled discretion, restricted by no announced and binding standards, such administrative behavior may occur. Compliance with the Administrative Procedure Act will help to prevent it. Publication of binding standards has another virtue: If a citizen thinks the published standard unreasonably low, he can complain, through his congressional representatives, and Congress may reduce the statutory discretion.

"Unhampered discretion of the type conferred by 21 U. S. C. § 342 [402] (a) (3) is, at best, insidious. Possessed of such power, an official may stop the sale of perfectly good food merely because he happens not to like it. (One recalls the tale of the totalitarian agitator who, having promised in a speech that, after the revolution, everybody would eat strawberries, replied to a heckler who loathed that fruit: 'Comes the revolution, you'll eat strawberries.') More than a century ago, in 1840, Tocqueville warned that, even in a political democracy, there might arise 'an immense and tutelary power' which would be 'absolute, minute, regular and mild,' aiming to keep the citizens 'in perpetual childhood.' Such a government would seek 'to spare them all the care of thinking

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<sup>5a</sup> In the well-known Attorney General's report published before passage of the Act, the following statement concerning publication of rules was made: "Most agencies develop approaches to particular types of problems which, as they become established, are generally determinative of decisions. Even when their reflection in the actual determinations of an agency has lifted them to the stature of 'principles of decision,' they are rarely published as rules or regulations, though sometimes they are noted in annual reports or speeches or press releases, as well as in the opinions disposing of particular controversies. As soon as the 'policies' of an agency become sufficiently articulated to serve as real guides to agency officials in their treatment of concrete problems, that fact may advantageously be brought to public attention in a precise and regularized form." Report of the Attorney General's Committee on Administrative Procedure, 77th Cong., 1st Sess. (1941) Sen. Doc. #8.

<sup>6</sup> See my colleagues' opinion, footnote 5.

<sup>7</sup> Of course, the Administrator can validly change the standard—prospectively.

and all the trouble of living. \* \* \* It must not be forgotten that it is especially dangerous to enslave men in the minor details of life. \* \* \* Subjection in minor affairs \* \* \* does not drive men to resistance, but it crosses them at every turn, till they are ready to surrender the exercise of their own will. Thus their spirit is gradually broken and their character enervated. \* \* \*<sup>8</sup>

"Such a possibility should cause courts like ours, when they can, to insist that administrative officers exercise wide discretionary powers only in accordance with any statutory provision which requires that they commit themselves to properly publicized standards. In that way, to some extent at least, can there be reconciled unavoidable delegation of extensive discretion to administrators with needed protection of the individual.

"Even assuming, then, the correctness of my colleagues' interpretation of the 1938 statute, I think we should affirm the order of the district court because of the lack of compliance with the Administrative Procedure Act."

#### APPENDIX TO JUDGE FRANK'S DISSENTING OPINION

"1. I think the following history of 21 U. S. C. § 342 [402] (a) (3) teaches that it permits confiscation of food containing mold (*i. e.*, 'decomposed' matter) only if the presence of the mold makes the confiscated article 'unfit for food':

"(a) Section 7 of the original Pure Food & Drug Act of 1906 (*i. e.*, former 21 U. S. C. § 8) provided that food should be deemed adulterated and subject to condemnation if, among other things, 'it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.'

"(b) My colleagues cite one Court of Appeals decision and five District Court cases which interpreted that provision of the 1906 Act. The Ninth Circuit held that the provision did not require proof that the food be injurious to health but did require proof that 'the product is so far decomposed as to be unfit for food' (or 'unfit for human consumption'). See *A. O. Anderson & Co. v. United States*, 284 F. 542, 544, 545 (C. A. 9), 1922. In so holding, the court cited and quoted from *United States v. Two Hundred Cases of Catsup*, 211 F. 780 (D. C. Ore., 1914); and *United States v. One Hundred Thirty-Three Cases of Tomato Paste*, 22 F. Supp. 515 (D. C. E. D. Pa., 1938) cited and relied upon the *A. O. Anderson case*. Of the other three cited district court cases,<sup>9</sup> only one said that neither harm to health nor 'unfit for food' need be shown.<sup>10</sup>

"(c) So the judicial interpretation stood when the 1938 statute, the Federal Food, Drug & Cosmetic Act, was enacted. I think the preceding paragraph shows that my colleagues mistakenly argue that the pre-1938 judicial decisions disclosed a 'uniform construction' (sustaining my colleagues' view of former Section 7) of which Congress must have been aware when it legislated in 1938. The new Act amended the 1906 Act and added many wholly new provisions. In particular, it substituted for the portion of former Sec. 7 (21 U. S. C. Sec. 8) new Sec. 342 [402] (a) (3) which provides that food is adulterated if it consists in whole or in part of any \* \* \* decomposed substance, or if it is *otherwise* unfit for food.' The italicized word 'otherwise' is new. I find it difficult to interpret it except as meaning that the existence of any 'decomposed substance' does not render food 'adulterated' unless the effect is to render the food 'unfit for human food.'

"(d) So read, the 1938 amendment serves to make clear that the Ninth Circuit's interpretation of old Section 7 was correct. This explains what the Senate Report, quoted by my colleagues, meant in stating the provision of Subsection (a) (3)—of what became Sec. 342 [402]—was 'essentially the same' as that in the 1906 Act.

"(e) My colleagues mention the subsequent Committee Report which declared that ' \* \* \* the measure \* \* \* amplifies and strengthens the provisions to safeguard the public health.' The 'measure,' of course, was the entire new Act. Without doubt, that Act did amplify and strengthen the former health-safeguarding provisions. (In the footnote, I point to a few samples of that

<sup>8</sup> Tocqueville, *Democracy in America*, Vol. II (1840) Fourth Book, Chapter VI.

<sup>9</sup> *Knapp v. Callaway*, 52 F. (2d) 476 (D. C. S. D. N. Y. 1931); *United States v. Krumm*, 269 F. 848 (D. C. E. D., Pa., 1921); *United States v. 200 Cases, More or Less of Canned Salmon*, 289 F. 157 (D. C. S. D. Tex. 1923).

<sup>10</sup> *United States v. 200 Cases, More or Less, of Canned Salmon*, 289 F. 157 (D. C. S. D. Tex. 1923).

character.<sup>11</sup>) So that the Report cannot reasonably be interpreted to justify a conclusion that Section 342 [402] (a) (3) departed from the Ninth Circuit's interpretation of Section 7 of the former Act.

"2. My colleagues seem to suggest that §§ 71 to 91 of 21 U. S. C.—sections dealing with meat inspection—are inconsistent with my interpretation. As I understand my colleagues, they rely on those meat-inspection sections to show that, in talking of 'decomposed substance' in former § 7 or in (new) § 342 [402] (a) (3), Congress could not have intended that the presence of such substance in food would authorize condemnation only if the result would render the food 'unfit for food.' Their discussion of this point is not entirely clear. They seem to imply that Section 342 [402] (a) (3) must be broadly construed so as not to conflict with the Meat Inspection Act.

"But note this: The meat inspection provisions—Sections 71 to 91—constituted the Meat Inspection Act of 1907<sup>12</sup> which was enacted separate and apart from the Food & Drugs Act of 1906,<sup>13</sup> so that meat which passed inspection under the Meat Inspection Act obviously could not be condemned under any section of the Pure Food & Drugs Act. This fact was made inescapably clear in the new Act—the Federal Food, Drug & Cosmetic Act, enacted in 1938—the last section of which reads: 'Meats and [meat] food products shall be exempt from the provisions of this Act to the extent of the application or the extension thereto of the Meat Inspection Act of March 4, 1907, as amended (U. S. C. 1934 ed., Sections 71-91; 34 Stat. 1260 et seq.).'<sup>14</sup> In line with the foregoing, enforcement of the Meat Inspection Act was left in the Department of Agriculture, while enforcement of the Food & Drugs Act was transferred first to the Federal Security Agency and more recently to the Department of Health, Education & Welfare.

"3. My colleagues suggest that Congress, in Sec. 342 [402] (a) (3), intended to give the Administrator power to confiscate food containing mold, although in nowise unwholesome or 'unfit for food,' because Congress regarded mold in food as 'a sign of danger'—presumably a sign that the food would probably soon become thus 'unfit.' To this suggestion I have these answers: There is not a word in the legislative history to support the notion that mold in food red-flags 'danger to come,' not a syllable of evidence of that sort in the record of this case, not the faintest hint of it in the government's brief; nor has any previous case in the books intimated that mold in food signalizes 'danger to come.' Moreover, as already noted, one of the government's expert witnesses testified in this case that, in the ordinary, properly made and sealed can, the amount of mold existent when the can was sealed would never increase. What is more, my colleagues maintain that the Administrator, in his unhampered discretion, may successfully cause the condemnation of food containing a very small amount or percentage of mold—so small that it is inconceivable it would signify future 'danger.'

"4. My colleagues refer to the fact that the recently enacted Section 342 [402] (e), relative to oleomargarine, is worded like Section 342 [402] (a) (3), in that, after speaking of 'decomposed substance,' it goes on to speak of 'or otherwise unfit for food.' How this enactment supports my colleagues' construction of Section 342 [402] (a) (3) I do not comprehend."<sup>15</sup>

Following the opinion of the court of appeals, the case was remanded to the United States District Court for the Eastern District of New York; and, on

<sup>11</sup> Section 333 [303] increases the maximum penalties (a \$100 fine and a one-year term of imprisonment) to \$10,000 and three years' imprisonment. Section 332 [302] (b) provides for enforcement by injunction. Section 342 [402] (a) (4) and (6) adds new forbidden kinds of adulteration. See also Sec. 344 [404] as to permits and inspections; many provisions of subchapter V relating to drugs, and subchapter VI covering adulterated cosmetics; and note Sections 372 [702] and 474 [704] as to examinations, investigations, and inspection, 373 [703] as to records of interstate shipments, and Section 375 [705] as to publication of reports.

<sup>12</sup> It was first enacted as part of an Act making appropriations for the Department of Agriculture in 1906, 34 Stat. 674 (part of Chapter 3913), and later enacted as the Meat Inspection Act of 1907, 34 Stat. 1260 (part of Chapter 2907).

<sup>13</sup> See 34 Stat. 768, Chapter 3915.

<sup>14</sup> See 52 Stat. 1059, being Sec. 902 (b). It is now in the Code as 21 U. S. C. Sec. 392 [902].

<sup>15</sup> Nor do I understand their argument based on Sec. 351 [501] (a) which deals with adulterated drugs. For there Congress significantly did not use the phrase "or otherwise unfit for food." As Sec. 351 [501] (a) is not here before us, I shall not here undertake to interpret it.

June 2, 1954, judgment of condemnation was entered and the court ordered that the product be destroyed.

## NUTS

**21582. Adulteration of shelled peanuts. U. S. v. 363 Bags \* \* \*. (F. D. C. No. 36520. Sample No. 75356-L.)**

**LIBEL FILED:** April 22, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 25 and 26, 1954, by Farmers Cotton & Peanut Co., Inc., from Plymouth, N. C.

**PRODUCT:** 363 210-pound bags of shelled peanuts at Suffolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4) the article had been held and prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** Farmers Cotton & Peanut Co., Inc., claimant, filed an answer denying that the product was adulterated. Thereafter, the Government served a set of written interrogatories upon the claimant. On June 15, 1954, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 13,802 pounds were found unfit and were denatured.

**21583. Adulteration of shelled peanuts. U. S. v. 410 Bags \* \* \*. (F. D. C. No. 36549. Sample No. 75361-L.)**

**LIBEL FILED:** May 11, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 9, 1954, by the Columbian Peanut Co., from Enfield, N. C.

**PRODUCT:** 410 bags, each bag containing 120 pounds, of shelled peanuts, at Suffolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had been held and prepared under insanitary conditions where it may have become contaminated with filth.

**DISPOSITION:** July 7, 1954. The Columbian Peanut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 593 pounds were found unfit and were destroyed.

**21584. Adulteration of shelled peanuts. U. S. v. 35 Bags, etc. (F. D. C. No. 36523. Sample Nos. 72529-L, 75355-L.)**

**LIBEL FILED:** April 27, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 24, 1954, by the Williamston Peanut Co. from Williamston, N. C.

**PRODUCT:** 190 155-pound bags of shelled peanuts at Suffolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), the article had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 15, 1954. The Williamston Peanut Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 131 pounds were destroyed and 2,608 pounds were denatured and sold for use as hog feed.

**21585. Adulteration of shelled pecans. U. S. v. 7 Cartons \* \* \*. (F. D. C. No. 36745. Sample No. 83711-L.)**

**LIBEL FILED:** May 15, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 8 and April 1, 1954, by Ricci & Co., from Chicago, Ill.

**PRODUCT:** 7 50-pound cartons of shelled pecans at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested pecans.

**DISPOSITION:** June 24, 1954. The Boynton Candy & Nut Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 18 pounds of the product were found unfit and were denatured.

**21586. Adulteration of shelled walnuts. U. S. v. 58 Cases \* \* \*. (F. D. C. No. 36763. Sample No. 88576-L.)**

**LIBEL FILED:** June 12, 1954, District of South Dakota.

**ALLEGED SHIPMENT:** On or about March 19 and May 10, 1954, from Mankato, Minn.

**PRODUCT:** 58 cases, each containing 24 8-ounce packages, of shelled walnuts at Sioux Falls, S. Dak.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested walnuts, and of a decomposed substance by reason of the presence of moldy and rancid walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 9, 1954. Stipulations having been filed admitting both service of the libel and all of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be disposed of for use as bird feed.

## OLEOMARGARINE

**21587. Adulteration of colored oleomargarine. U. S. v. 82 Cases \* \* \*. (F. D. C. No. 36336. Sample No. 42164-L.)**

**LIBEL FILED:** March 5, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about September 1, October 3, and November 2, 1953, from Fort Worth, Tex.

PRODUCT: 82 cases, each containing 24 1-pound cartons, of colored oleomargarine at Redwood City, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy oleomargarine. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 8, 1954. Default decree of condemnation and destruction.

## POULTRY

**21588. Adulteration of dressed poultry. U. S. v. 679 Pounds \* \* \*. (F. D. C. No. 36808. Sample No. 49759-L.)**

LIBEL FILED: June 1, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about May 13, 1954, by United Cooperative Farmers, Inc., from Leominster, Mass.

PRODUCT: 679 pounds of dressed poultry in 12 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: June 24, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21589. Adulteration of dressed poultry. U. S. v. 242 Pounds \* \* \*. (F. D. C. No. 36401. Sample No. 51943-L.)**

LIBEL FILED: On or about March 8, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about February 1, 1954, by the Pocahontas Poultry Co., from Wakefield, Va.

PRODUCT: 242 pounds of dressed poultry in 4 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: June 1, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21590. Adulteration of dressed poultry. U. S. v. 217 Pounds \* \* \*. (F. D. C. No. 36526. Sample No. 51948-L.)**

LIBEL FILED: April 26, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about April 14, 1954, by Holly Farms Poultry Co., Inc., from Wilkesboro, N. C.

PRODUCT: 217 pounds of dressed poultry in 4 crates at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** May 17, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21591. Adulteration of dressed poultry. U. S. v. 3 Crates \* \* \*. (F. D. C. No. 36425. Sample No. 51945-L.)**

**LIBEL FILED:** On or about March 17, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 16, 1954, by Caroline Poultry Farms Inc., from Federalsburg, Md.

**PRODUCT:** 3 crates of dressed poultry at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** Caroline Poultry Farms, Inc., filed an answer denying that the poultry was contaminated with fecal matter and crop material or was unfit for food, or that there were extensively bruised birds contained in the shipment, but admitting that the poultry had been shipped as alleged in the libel and that it was diseased. In view of these admissions by the claimant, a motion for summary judgment was submitted by the Government on the ground that there was no genuine issue as to any material fact precluding judgment for the Government as a matter of law. The claimant failed to file any answer to this motion; and, accordingly, on June 29, 1954, the court granted the motion and ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

**21592. Adulteration of dressed turkeys. U. S. v. 9 Crates \* \* \*. (F. D. C. No. 36423. Sample No. 51944-L.)**

**LIBEL FILED:** April 7, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 16, 1954, by Quality Belts, Inc., from Smyrna, Del.

**PRODUCT:** 9 crates of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** July 1, 1954. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21593. Adulteration of coriander seed. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 36912. Sample No. 42709-L.)**

**LIBEL FILED:** August 6, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about October 15, 1953, from Antwerp, Belgium.

PRODUCT: 6 85-pound bags of coriander seed at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 20, 1954. Default decree of condemnation and destruction.

**21594. Adulteration of canned hot cherry peppers. U. S. v. 22 Cases, etc.**  
(F. D. C. No. 36829. Sample Nos. 80719-L to 80721-L, incl.)

LABEL FILED: June 16, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 21, 1954, from Atlantic City, N. J.

PRODUCT: 72 cases, each containing 4 1-gallon jars, and 20 cases, each containing 12 1-quart jars, of hot cherry peppers at Philadelphia, Pa. Examination showed that the product was undergoing decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 28, 1954. Default decree of condemnation and destruction.

**21595. Adulteration of canned hot cherry peppers. U. S. v. 25 Cases \* \* \*.**  
(F. D. C. No. 36804. Sample No. 80714-L.)

LABEL FILED: May 27, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 19, 1953, from Atlantic City, N. J.

PRODUCT: 25 cases, each containing 4 1-gallon jars, of hot cherry peppers at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 14, 1954. Default decree of condemnation and destruction.

**21596. Adulteration of dried hot peppers. U. S. v. 19 Cases \* \* \*. (F. D. C. No. 36811. Sample No. 84786-L.)**

LABEL FILED: May 27, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 15 and 22, 1953, and February 15 and 24 and March 9, 1954, by Beaver Home Products Co., Inc., from Camden, N. J.

PRODUCT: 19 cases, each containing 24 jars, of dried hot peppers at Philadelphia, Pa.

LABEL, IN PART: (Jar) "hp Whole Hot Peppers (Japan Chillies) \* \* \* ½ Oz. or over."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: July 28, 1954. Default decree of condemnation and destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\*

21597. Adulteration of Calvital capsules. U. S. v. Calvital Co., Inc., and Alexander S. Race. Pleas of guilty. Fine of \$1 against corporation and \$250 against individual. Both fines remitted. (F. D. C. No. 35165. Sample No. 51132-L.)

INFORMATION FILED: December 14, 1953, Southern District of New York, against Calvital Co., Inc., Mount Vernon, N. Y., and Alexander S. Race, president of the corporation.

ALLEGED SHIPMENT: On or about January 2, 1953, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Bottle) "Calvital Capsules Each capsule contains: Vitamin D 500 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

DISPOSITION: May 27, 1954. The defendants having entered pleas of guilty, the court imposed a fine of \$1 against the corporation and \$250 against the individual. Both fines were remitted.

21598. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 144 Bottles \* \* \*. (F. D. C. No. 36419. Sample No. 51013-L.)

LIBEL FILED: March 1, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about December 22, 1953, from Brooklyn, N. Y. This was a return shipment.

PRODUCT: 144 100-capsule bottles of vitamin B complex capsules at Newark, N. J. Examination showed that the product contained 2 percent of the declared amount of niacinamide.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), the valuable constituent, niacinamide, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each capsule represents: \* \* \* Niacinamide (10 mg.) 10,000 mcgs." was false and misleading as applied to a product which contained less than the declared amount of niacinamide.

DISPOSITION: April 14, 1954. Default decree of condemnation and destruction.

21599. Adulteration and misbranding of Lar's vitamin and mineral capsules and Lar's geriatric capsules. U. S. v. 24 Bottles, etc. (F. D. C. No. 36463. Sample Nos. 83269-L, 83270-L.)

LIBEL FILED: March 26, 1954, Northern District of Indiana.

ALLEGED SHIPMENT: On or about November 14, 1953, by the National Drug Laboratories, from Chicago, Ill.

PRODUCT: 24 bottles of Lar's vitamin and mineral capsules and 13 bottles of Lar's geriatric capsules at Hammond, Ind.

Analysis showed that Lar's vitamin and mineral capsules contained not more than 50 percent of the vitamin D and not more than 87.5 percent of the potassium iodide declared on the label and that Lar's geriatric capsules contained not more than 65 percent of the vitamin A and not more than 50 percent of the vitamin D declared on the label.

\*See also No. 21556.

**LABEL, IN PART:** (Bottle) "100 Lar's Vitamins and Minerals A dietary supplement of Vitamins and Minerals \* \* \* Each Capsule Contains: \* \* \* Potassium Iodide .24 mgm. \* \* \* Vitamin D 1600 Units" and "100 Lar's Geriatric Capsules Each Capsule Contains: \* \* \* Vitamin A (Synthetic) 12,500 Units Vitamin D (Irrad. Ergos.) 1,250 Units."

**NATURE OF CHARGE:** Lar's vitamin and mineral capsules. Adulteration, Section 402 (b) (1), valuable constituents, vitamin D and potassium iodide, had been in part omitted from the article. Misbranding, Section 403 (a), the label statement "Each Capsule Contains: \* \* \* Potassium Iodide .24 mgm. \* \* \* Vitamin D 1600 Units" was false and misleading as applied to a product containing less than the declared amounts of potassium iodide and vitamin D.

Lar's geriatric capsules. Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part omitted from the article. Misbranding, Section 403 (a), the label statement "Each Capsule Contains: \* \* \* Vitamin A \* \* \* 12,500 Units Vitamin D \* \* \* 1,250 Units" was false and misleading as applied to a product containing less than the declared amounts of vitamins A and D.

Further misbranding, Section 403 (j), both articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content, and their labels failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for the vitamins and minerals contained in the articles which would be supplied by the articles when consumed in a specified quantity during a period of one day.

**DISPOSITION:** May 18, 1954. Default decree of condemnation and destruction.

**21600. Adulteration of Mull-Soy. U. S. v. 270 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 36343, 36345. Sample Nos. 65915-L, 79008-L.)

**LABELS FILED:** March 5 and 9, 1954, Southern District of Ohio and Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about January 7 and 11, 1954, by the Borden Co., from Elgin, Ill.

**PRODUCT:** 346 cases, each containing 12 1-pound cans, of Mull-Soy at Cincinnati, Ohio, and Detroit, Mich.

**LABEL, IN PART:** (Can) "Borden's Mull-Soy Powdered Hypoallergenic Food."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the article contained *Salmonella*, a species of bacteria, an added deleterious substance which might have rendered the article injurious to health.

**DISPOSITION:** April 16, 1954. Default decrees of condemnation and destruction.

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		Walnuts, shelled-----	21586

## SHIPPIERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
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Barrow Grocery Co., Inc.:		Empire State Pickling Co.:	
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Beaver Home Products Co., Inc.:		Excel Popcorn Co.:	
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Borden Co.:		Factor, Max:	
Mull-Soy -----	21600	coffee -----	21552
Calvital Co., Inc.:		Farmers Cotton & Peanut Co., Inc.:	
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Central Cold Storage Co.:			
frozen ocean perch fillets-----	21567		

<sup>1</sup> (21581) Seizure contested. Contains opinions of the courts.

	N. J. No.		N. J. No.
Gem Fisheries, Inc.:		Pocahontas Poultry Co.:	
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Holly Farms Poultry Co., Inc.:		Race, A. S.:	
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Jackson, S., Sons, Inc.:		Ricci & Co.:	
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Lar's vitamin and mineral capsules and Lar's geriatric capsules	21599	candy	21556
Pacific Raisin Co.:		Williamston Peanut Co.:	
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<sup>1</sup> (21581) Seizure contested. Contains opinions of the courts.



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**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21601-21650

**FOODS**

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. Published by direction of the Secretary of Health, Education, and Welfare.

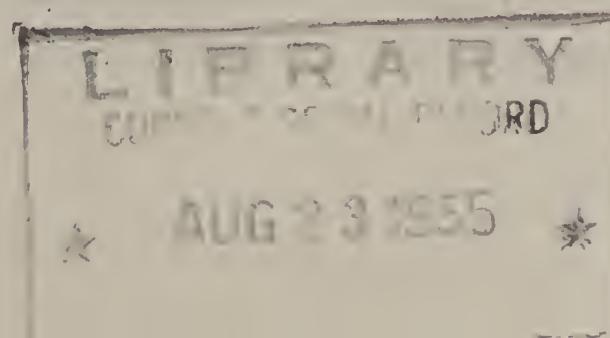
GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 27, 1955.

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**BEVERAGES AND BEVERAGE MATERIALS**

**21601. Adulteration and misbranding of coffee.** U. S. v. 49 Bags \* \* \*.  
(F. D. C. No. 36530. Sample No. 52900-L.)

**LIBEL FILED:** April 27, 1954, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 7, 1954, by the Andrew's Coffee Co., from New York, N. Y.

**PRODUCT:** 49 1-pound bags of coffee at Jersey City, N. J.

**LABEL, IN PART:** (Bag) "Andrew's Weight One Pound Superior Quality Coffee."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of coffee and chickpeas had been substituted in whole or in part for coffee.

Misbranding, Section 403 (a), the label statement "Superior Quality Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas.

**DISPOSITION:** July 1, 1954. Default decree of condemnation and destruction.

**21602. Adulteration of coffee chaff.** U. S. v. 59 Bags \* \* \*. (F. D. C. No. 36798. Sample No. 52948-L.)

**LIBEL FILED:** May 24, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about May 3, 1954, by American Home Foods, Inc., from Morris Plains, N. J.

**PRODUCT:** 59 40-pound bags of coffee chaff at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** June 22, 1954. Default decree of condemnation and destruction.

**21603. Adulteration and misbranding of Vess cream soda compound.** U. S. v. 9 Bottles \* \* \*. (F. D. C. No. 37026. Sample No. 31475-L.)

**LIBEL FILED:** July 29, 1954, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 23, 1954, by Whistle & Vess Beverages, Inc., from St. Louis, Mo.

**PRODUCT:** 9 1-quart bottles of Vess cream soda compound at Belleville, Ill. Examination showed that the product contained 1.1 grams of coumarin per 100 milliliters.

**LABEL, IN PART:** (Bottle) "Vess Cream Soda Compound 25 Gallon Unit Instructions For Mixing And Bottling To make 25 gallons of finished syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** August 26, 1954. Default decree of condemnation and destruction.

**CEREALS AND CEREAL PRODUCTS****FLOUR**

**21604. Adulteration of flour.** U. S. v. 185 Bags \* \* \*. (F. D. C. No. 36705. Sample No. 85832-L.)

**LIBEL FILED:** April 1, 1954, Western District of Texas.

**ALLEGED SHIPMENT:** On or about February 18, 1954, from Raton, N. Mex.

**PRODUCT:** 185 25-pound bags of flour at El Paso, Tex., in possession of Paul's Flour & Feed Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 15, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21605. Adulteration of flour.** U. S. v. 86 Bags \* \* \*. (F. D. C. No. 36901. Sample No. 88863-L.)

**LIBEL FILED:** July 17, 1954, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about December 15, 1953, from New Prague, Minn.

**PRODUCT:** 86 50-pound bags of flour at Manistique, Mich., in possession of the Hewett Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as animal feed.

**21606. Adulteration of flour.** U. S. v. 41 Bags \* \* \*. (F. D. C. No. 36707. Sample No. 85831-L.)

**LIBEL FILED:** March 31, 1954, Western District of Texas.

**ALLEGED SHIPMENT:** On or about February 12, 1954, from Liberal, Kans.

**PRODUCT:** 41 100-pound bags of flour at El Paso, Tex., in possession of the Tidwell Fuel and Feed Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 15, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21607. Adulteration of flour and wheat.** U. S. v. 626 Bags, etc. (F. D. C. No. 36797. Sample Nos. 88624-L to 88627-L, incl.)

LIBEL FILED: May 18, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about February 10, March 18 and 30, and April 15 and 21, 1954, from Grand Forks and Valley City, N. Dak., and Alton, Ill.

PRODUCT: 626 50-pound bags and 69 100-pound bags of flour and 9 100-pound bags of wheat at Minneapolis, Minn., in possession of the Russell-Miller Milling Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 1, 1954. The Russell-Miller Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation of the unfit portion and denaturing of that portion for use as animal feed. As a result of the segregation operations, 350 bags of flour and the entire 9-bag lot of wheat were found unfit and were denatured for use as animal feed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**21608. Adulteration of unpopped popcorn.** U. S. v. 199 Cases \* \* \*. (F. D. C. No. 36782. Sample No. 88727-L.)

LIBEL FILED: July 8, 1954, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 12, 1954, by the Northwest Popcorn & Seed Co., from Delaware, Ohio.

PRODUCT: 199 cases, each containing 5 tins, of unpopped popcorn at Lake View, Iowa.

LABEL, IN PART: (Tin) "Net Weight Unpopped Corn 10 Lbs. \* \* \* Manley Best Jumbo Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed kernels, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1954. Default decree of condemnation. The court ordered that the product be sold for use as animal feed or be delivered to a charitable institution for such use.

**21609. Adulteration of unpopped popcorn.** U. S. v. 9 Cases \* \* \*. (F. D. C. No. 36783. Sample No. 83132-L.)

LIBEL FILED: July 12, 1954, Western District of Michigan.

ALLEGED SHIPMENT: On or about May 17, 1954, by the Northwest Popcorn & Seed Co., from Delaware, Ohio.

PRODUCT: 9 cases, each containing 24 cans, of unpopped popcorn at Manistee, Mich.

\*See also No. 21607.

LABEL, IN PART: (Can) "Big Pop Yellow [Or White] Hulless Pop Corn Guaranteed To Pop Net Wt. 10 Ounces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed kernels, insect-tunneled kernels, rodent excreta, rodent hairs, and insect parts, and of a decomposed substance by reason of the presence of moldy kernels; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 9, 1954. Default decree of condemnation and destruction.

**21610. Adulteration of unpopped popcorn. U. S. v. 3 Cartons \* \* \*. (F. D. C. No. 36753. Sample No. 63876-L.)**

LIBEL FILED: May 28, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 3 and 7, 1954, by the Excel Popcorn Co., from Fairfield, Iowa.

PRODUCT: 3 cartons, each containing 24 packages, of unpopped popcorn at Kirksville, Mo.

LABEL, IN PART: (Package) "Top Value \* \* \* Hy-Brid Pop Corn Guaranteed To Pop Net Weight 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed kernels, rodent excreta, and rodent urine; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 14, 1954. Default decree of condemnation and destruction.

**21611. Adulteration of rice. U. S. v. 32 Bags \* \* \*. (F. D. C. No. 36786. Sample Nos. 85977-L, 85978-L.)**

LIBEL FILED: July 13, 1954, District of North Dakota.

ALLEGED SHIPMENT: On or about February 24, 1954, from De Witt, Ark.

PRODUCT: 32 100-pound bags of rice at Grand Forks, N. Dak., in possession of the Nash-Finch Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 27, 1954. The Nash-Finch Co. having admitted the allegations of the libel and consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21612. Adulteration of rice. U. S. v. 25 Bags \* \* \*. (F. D. C. No. 36789. Sample No. 43175-L.)**

LIBEL FILED: July 16, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about May 7, 1954, from Abbeville, La.

PRODUCT: 25 100-pound bags of rice at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1954. Default decree of condemnation and destruction.

**21613. Adulteration of rice. U. S. v. 690 Pounds \* \* \*. (F. D. C. No. 36776. Sample No. 11023-L.)**

**LIBEL FILED:** June 30, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** The product was received by the consignee on or about March 24, 1954, from a salvage dealer who had obtained the product from interstate sources.

**PRODUCT:** 690 pounds of rice in 9 bags at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, larvae, rodent excreta pellets, and hairs. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 11, 1954. Default decree of condemnation and destruction.

**21614. Adulteration of rice. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 36904. Sample No. 43179-L.)**

**LIBEL FILED:** July 23, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 13, 1954, from Abbeville, La.

**PRODUCT:** 6 100-pound bags of rice at San Jose, Calif., in possession of Wellman, Peck & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 16, 1954. Default decree of condemnation and destruction.

**21615. Adulteration of piecrust mix and tamales in gravy. U. S. v. 25 Cases, etc. (F. D. C. No. 37013. Sample Nos. 87856-L to 87858-L, incl.)**

**LIBEL FILED:** July 29, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** The piecrust mix was shipped on or about June 23 and August 17, 1953, from Buffalo, N. Y., and the tamales in gravy were shipped sometime during 1953, from Dallas, Tex.

**PRODUCT:** 55 cases, each containing 24 9-ounce packages, of piecrust mix, and 18 cases, each containing 48 15½-ounce cans, of tamales in gravy at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the piecrust mix consisted in whole or in part of a filthy substance by reason of the presence of insects, and the tamales in gravy consisted in whole or in part of a decomposed substance. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 1, 1954. Default decree of condemnation and destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY

**21616. Adulteration of peanut patties (candy). U. S. v. 21 Cases \* \* \*. (F. D. C. No. 36922. Sample No. 67956-L).**

**LIBEL FILED:** August 18, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 22 and 29, 1954, by the C & C Candy Co., from Fort Worth, Tex.

**PRODUCT:** Candy. 21 cases, each containing 12 rolls and each roll containing 16 peanut patties, at New Orleans, La. Some of the patties were labeled and some were unlabeled.

**LABEL, IN PART:** "Tom's Peanut Pattie \* \* \* Net Wt. 1 $\frac{3}{4}$  Oz." and "Tom's Chicken Leg."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** September 16, 1954. Default decree of condemnation and destruction.

### CHOCOLATE PRODUCTS

**21617. Adulteration of Chocolate Naps. U. S. v. 4 Drums \* \* \*. (F. D. C. No. 36412. Sample No. 76194-L.)**

**LABEL FILED:** March 10, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 16, 1953, from Milton, Mass.

**PRODUCT:** 4 drums of Chocolate Naps at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 2, 1954. Default decree of condemnation and destruction.

**21618. Adulteration of cocoa beans. U. S. v. 8 Bags \* \* \*. (F. D. C. No. 35267. Sample No. 50882-L.)**

**LABEL FILED:** June 2, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On an unknown date from a foreign country.

**PRODUCT:** 8 100-pound bags of cocoa beans at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, insect excreta, and insect webbing. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 18, 1954. Default decree of condemnation and destruction.

### SIRUP

**21619. Adulteration of sirup. U. S. v. Herbert A. Lorenz (St. Louis Syrup & Preserving Co.). Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 36640. Sample Nos. 53267-L, 63864-L, 63865-L.)**

**INFORMATION FILED:** August 27, 1954, Eastern District of Missouri, against Herbert A. Lorenz, trading as the St. Louis Syrup & Preserving Co., St. Louis, Mo.

**ALLEGED SHIPMENT:** Between the approximate dates of January 8 and March 29, 1954, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** (Bottle) "Topmost Syrup Made From Cane and Maple Sugar Syrups Contents 1 Pint" and "Net Weight 2 Lbs. 14 Oz. Topmost Hot Cake Syrup"; (can) "Farmer Jones Brand Pancake Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 10, 1954. The defendant having entered a plea of guilty, the court fined him \$500, plus costs.

## SUGAR

**21620. Adulteration of sugar and dried pinto beans. U. S. v. 17 Bags, etc.** (F. D. C. No. 36356. Sample Nos. 57930-L, 57942-L.)

**LIBEL FILED:** On or about January 28, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about August 25 and October 2, 1953, from Central Hershey, Cuba, and Denver, Colo.

**PRODUCT:** 17 100-pound bags of sugar and 72 100-pound bags of dried pinto beans at Waynesboro, Va., in possession of Blue Ridge Grocery Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 29, 1954. Default decree of condemnation. The court ordered that the products be delivered to a State institution, for use other than for human consumption.

## DAIRY PRODUCTS

### BUTTER

**21621. Adulteration of butter. U. S. v. 62 Boxes (3,968 pounds) \* \* \*. (F. D. C. No. 37129. Sample No. 65989-L.)**

**LIBEL FILED:** August 30, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 6, 1954, by the Fairmont Foods Co., from Omaha, Nebr.

**PRODUCT:** 62 64-pound boxes of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 17, 1954. The Fairmont Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil and the purification of such oil for use as an ingredient in the manufacture of ice cream or other food products, under the supervision of the Department of Health, Education, and Welfare.

**21622. Adulteration of butter. U. S. v. 15 Cubes (960 pounds) \* \* \*. (F. D. C. No. 37126. Sample No. 81977-L.)**

**LIBEL FILED:** August 24, 1954, District of Nebraska.

**ALLEGED SHIPMENT:** On or about August 11, 1954, by the Fairmont Foods Co., from Concordia, Kans.

**PRODUCT:** 15 64-pound cubes of butter at Omaha, Nebr.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the use of decomposed cream in its manufacture.

**DISPOSITION:** September 9, 1954. The Fairmont Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil and the purification of such oil so as to render it wholesome and proper for use as an ingredient in ice cream or other food products, under the supervision of the Department of Health, Education, and Welfare.

### CHEESE

**21623. Adulteration of grated cheese.** U. S. v. 9 Cases \* \* \*. (F. D. C. No. 36875. Sample No. 80896-L.)

**LIBLE FILED:** July 7, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about June 7, 1954, by the P. Gambardella & Son Cheese Corp., from New Haven, Conn.

**PRODUCT:** 9 cases, each containing 24 jars, of grated cheese at Springfield, Mass.

**LABEL, IN PART:** (Jar) "Net Weight 4 Oz. Gambardella Italian Style Grated Cheese Blended Imported and Domestic Romano Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 9, 1954. Default decree of condemnation and destruction.

### EGGS

**21624. Adulteration of frozen eggs.** U. S. v. 145 Cans \* \* \*. (F. D. C. No. 36817. Sample No. 52184-L.)

**LIBLE FILED:** June 3, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 26, 1954, by Nichols & Co., from Bushnell, Ill.

**PRODUCT:** 145 30-pound cans of frozen eggs at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** June 29, 1954. Dexter Bishop Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 15 cans of the product were found unfit and were denatured.

**21625. Adulteration of frozen eggs.** U. S. v. 85 Cans \* \* \*. (F. D. C. No. 36768. Sample No. 81966-L.)

**LIBLE FILED:** June 16, 1954, District of Nebraska.

**ALLEGED SHIPMENT:** On or about May 12, 1954, by the Ocoma Foods Co., from Carroll, Iowa.

PRODUCT: 85 30-pound cans of frozen eggs at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 29, 1954. Default decree of condemnation and destruction.

**21626. Adulteration of frozen eggs. U. S. v. 52 Cans \* \* \*. (F. D. C. No. 37020. Sample No. 52197-L.)**

LIBEL FILED: July 28, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about July 9, 1954, by the A & L Egg Co., from Englewood, N. J.

PRODUCT: 52 30-pound cans of frozen eggs at Bronx, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly parts, and of a decomposed substance by reason of the presence of decomposed eggs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 17, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

**21627. Adulteration of anchovies in olive oil. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 37049. Sample No. 49766-L.)**

LIBEL FILED: August 16, 1954, Southern District of New York.

ALLEGED SHIPMENT: Sometime during 1948, or prior thereto, from Chile.

PRODUCT: 59 cases, each containing 48 5-ounce jars, of anchovies in olive oil at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 3, 1954. Default decree of condemnation and destruction.

**21628. Adulteration of frozen butterfish. U. S. v. 440 Pounds \* \* \*. (F. D. C. No. 36853. Sample No. 72069-L.)**

LIBEL FILED: June 28, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about August 19, 1953, from Provincetown, Mass.

PRODUCT: 440 pounds of frozen butterfish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 22, 1954. Default decree of condemnation and destruction.

**21629. Adulteration of frozen fish (chubs). U. S. v. 700 Pounds \* \* \*. (F. D. C. No. 36870. Sample No. 58357-L.)**

LIBEL FILED: July 8, 1954, Southern District of New York.

ALLEGED SHIPMENT: Prior to January 11, 1954, from Washington Island, Wis.

PRODUCT: 700 pounds of frozen fish (chubs) in 8 boxes at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 24, 1954. Default decree of condemnation and destruction.

**21630. Adulteration of frozen fish (chubs).** U. S. v. 246 Pounds \* \* \*. (F. D. C. No. 36880. Sample No. 58363-L.)

**LIBEL FILED:** July 13, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 20 and 23, 1954, from Escanaba and South Haven, Mich.

**PRODUCT:** 246 pounds of frozen fish (chubs) in 3 cartons at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 4, 1954. Default decree of condemnation and destruction.

**21631. Adulteration of frozen cod fillets.** U. S. v. 36 Cans \* \* \*. (F. D. C. No. 37014. Sample No. 58365-L.)

**LIBEL FILED:** July 26, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** Between December 31, 1953, and January 4, 1954, from various places in the States of Massachusetts and Maine.

**PRODUCT:** 36 cans, each containing 25 pounds, of frozen cod fillets at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 16, 1954. Default decree of condemnation and destruction.

**21632. Adulteration of frozen kingfish.** U. S. v. 676 Pounds \* \* \*. (F. D. C. No. 36852. Sample No. 72068-L.)

**LIBEL FILED:** June 28, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 30 and November 2, 1953, from West Palm Beach, Fla., and from various places in the State of North Carolina.

**PRODUCT:** 676 pounds of frozen kingfish at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

**21633. Adulteration of frozen mackerel.** U. S. v. 5,177 Pounds \* \* \*. (F. D. C. No. 36856. Sample No. 58352-L.)

**LIBEL FILED:** June 30, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 25 and 26, 1952, from Point Pleasant and Lavallette, N. J.

**PRODUCT:** 5,177 pounds of frozen mackerel at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

**21634. Adulteration of frozen ocean perch fillets. U. S. v. 13 Cans, etc.** (F. D. C. No. 36881. Sample No. 58366-L.)

**LIBEL FILED:** July 13, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 13 and 14, 1953, from Boston, Mass.

**PRODUCT:** 13 20-pound cans and 1 25-pound can of frozen ocean perch fillets at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 4, 1954. Default decree of condemnation and destruction.

**21635. Adulteration of canned salmon. U. S. v. 114 Cans \* \* \*. (F. D. C. No. 35420. Sample No. 73350-L.)**

**LIBEL FILED:** September 9, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 28, 1953, from Seattle, Wash.

**PRODUCT:** 114 1-pound cans of salmon at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed salmon. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 24, 1954. Default decree of condemnation and destruction.

**21636. Adulteration of frozen shrimp. U. S. v. 91 cartons \* \* \*. (F. D. C. No. 36861. Sample No. 58354-L.)**

**LIBEL FILED:** June 30, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** From various places outside the State of New York.

**PRODUCT:** 91 cartons, each containing 4 pounds, of frozen shrimp at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

**21637. Adulteration of frozen shrimp. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 37016. Sample Nos. 24394-L, 58355-L.)**

**LIBEL FILED:** July 27, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 31, 1953, from Mobile, Ala.

**PRODUCT:** 8 cases, each containing 42 1-pound cartons, of frozen shrimp at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of

decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 16, 1954. Default decree of condemnation and destruction.

**21638. Adulteration of frozen shrimp. U. S. v. 54 Cartons \* \* \*. (F. D. C. No. 36873. Sample No. 72062-L.)**

**LIBEL FILED:** July 13, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** From various places outside the State of New York.

**PRODUCT:** 54 5-pound cartons of frozen shrimp in 3 boxes at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 4, 1954. Default decree of condemnation and destruction.

**21639. Adulteration of frozen shrimp. U. S. v. 25 Cartons \* \* \*. (F. D. C. No. 36882. Sample No. 72063-L.)**

**LIBEL FILED:** July 13, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** From various places outside the State of New York.

**PRODUCT:** 25 10-pound cartons of frozen shrimp at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 4, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES\*

### FRESH FRUIT

**21640. Adulteration of fresh blueberries. U. S. v. 108 Crates \* \* \*. (F. D. C. No. 37123. Sample No. 76896-L.)**

**LIBEL FILED:** August 23, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 20, 1954, by Frank McLean and Stanley Taylor, Jr., from Alton and New Durham, N. H.

**PRODUCT:** 108 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

**DISPOSITION:** September 15, 1954. Default decree of condemnation and destruction.

**21641. Adulteration of fresh blueberries. U. S. v. 3 Crates, etc. (F. D. C. No. 37120. Sample No. 76830-L.)**

**LIBEL FILED:** August 17, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 16, 1954, by Alice E. Tasker and Harold Tasker, from Union, N. H.

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\*See also No. 21620.

PRODUCT: 4 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

DISPOSITION: September 14, 1954. Default decree of condemnation and destruction.

#### MISCELLANEOUS FRUIT PRODUCT

**21642. Adulteration of apple pomace.** U. S. v. 3,526 Bags \* \* \*. (F. D. C. No. 36747. Sample No. 90125-L.)

LIBEL FILED: May 19, 1954, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 23, 27, and 30, 1953, from North Rose, N. Y.

PRODUCT: 3,526 75-pound bags of apple pomace at Kansas City, Mo., in possession of the Speas Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of bird excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 8, 1954. The Speas Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. 232 75-pound bags were found unfit and were destroyed.

#### VEGETABLES AND VEGETABLE PRODUCTS\*

**21643. Adulteration of pinto beans.** U. S. v. 28 Bags \* \* \*. (F. D. C. No. 36903. Sample No. 43178-L.)

LIBEL FILED: July 21, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about January 18, 1954, from Twin Falls, Idaho.

PRODUCT: 28 100-pound bags of pinto beans at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 18, 1954. Default decree of condemnation and destruction.

**21644. Adulteration of chickpeas.** U. S. v. 30 Bags \* \* \*. (F. D. C. No. 36741. Sample No. 62491-L.)

LIBEL FILED: May 12, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 29, 1954, by Louis Cohen, from New York, N. Y.

PRODUCT: 30 110-pound bags of chickpeas at St. Louis, Mo.

\*See also No. 21620.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** June 8, 1954. Default decree of condemnation and destruction.

**21645. Adulteration of pickles. U. S. v. 728 Cases \* \* \*. (F. D. C. No. 36508. Sample No. 80455-L.)**

**LIBEL FILED:** April 15, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 23, 1954, by Lester's Food Market, from Baltimore, Md.

**PRODUCT:** 728 cases, each containing 12 1-quart jars, of pickles at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21646. Adulteration of canned sauerkraut. U. S. v. 48 Cases \* \* \*. (F. D. C. No. 36734. Sample No. 82785-L.)**

**LIBEL FILED:** May 3, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 11, 1954, by the Empire State Pickling Co., from Phelps, N. Y.

**PRODUCT:** 48 cases, each containing 24 cans, of sauerkraut at Pittsburgh, Pa.

**LABEL, IN PART:** (Can) "Silver Floss Brand Contents 1 Lb. 11 Oz. \* \* \* Sauerkraut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 22, 1954. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**21647. Adulteration of mixed nuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 36902. Sample No. 79329-L.)**

**LIBEL FILED:** July 16, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 17, 1953, from Chico, Calif.

**PRODUCT:** 10 100-pound bags of mixed nuts at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested walnuts and almonds, and of a decomposed substance by reason of the presence of moldy almonds. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of destruction.

**21648. Adulteration of peanuts (oil stock). U. S. v. 180 Bags \* \* \*. (F. D. C. No. 36522. Sample No. 72527-L.)**

**LIBEL FILED:** April 22, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 29, 1954, by the Severn Peanut Co., from Severn, N. C.

PRODUCT: 180 100-pound bags of peanuts (oil stock) at Suffolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and debris; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: The Severn Peanut Co., Inc., claimant, filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the Government served a set of written interrogatories upon the claimant. On June 15, 1954, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 795 pounds of the product were found unfit and were denatured.

21649. Adulteration of pecan meal. U. S. v. 117 Boxes \* \* \*. (F. D. C. No. 37024. Sample No. 71724-L.)

LIBEL FILED: July 29, 1954, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 15, 1954, by Sam A. Pierce, Inc., from Cairo, Ga.

PRODUCT: 117 boxes of pecan meal at Brooklyn, N. Y.

LABEL, IN PART: (Box) "Pecan Meal Net Wt. 30 Millers Select \* \* \* Pecans Packed by Miller Pecan Co. Albany, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: September 22, 1954. Default decree of condemnation and destruction.

## OILS AND FATS

21650. Adulteration of chicken fat. U. S. v. H. A. Whelan Co., Inc., and Harold A. Whelan. Pleas of guilty. Fine of \$150 against corporation and \$50 against individual. (F. D. C. No. 34854-A. Sample No. 49178-L.)

INFORMATION FILED: July 30, 1953, District of Massachusetts, against H. A. Whelan Co., Inc., Boston, Mass., and Harold A. Whelan, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about November 19, 1952, from the State of Massachusetts into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter, and of a decomposed substance by reason of the presence of decomposed chicken fat.

DISPOSITION: March 22, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$150 and the individual \$50.

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# U. S. Department of Health, Education, and Welfare

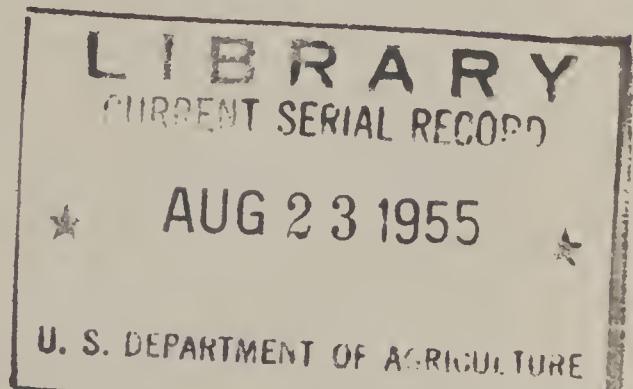
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21651-21700

**FOODS**



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 29, 1955.

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**BEVERAGES AND BEVERAGE MATERIALS\***

**21651. Adulteration and misbranding of coffee.** U. S. v. 413 Bags \* \* \*.  
(F. D. C. No. 36825. Sample No. 71671-L.)

**LIBEL FILED:** June 4, 1954, District of Connecticut.

**ALLEGED SHIPMENT:** On or about May 24, 1954, Ph. Wechsler & Son, Inc., delivered the coffee to Waldorf System, Inc., New York, N. Y., which firm, on or about May 25, 1954, shipped the product from New York, N. Y., to New Haven, Conn.

**PRODUCT:** 413 unlabeled 12-ounce bags of coffee at New Haven, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of coffee and spent coffee grounds had been substituted in whole or in part for coffee, which the article was represented to be; and, Section 402 (b) (4), spent coffee grounds had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

**DISPOSITION:** September 2, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale. The court ordered also that the marshal advise such institutions that the product was a mixture of ground coffee and spent coffee grounds, and that by using a somewhat greater amount of the mixture, a full strength brew could be obtained.

**21652. Adulteration and misbranding of coffee.** U. S. v. 253 Bags \* \* \*.  
(F. D. C. No. 36824. Sample No. 71671-L.)

**LIBEL FILED:** June 2, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 24, 1954, Ph. Wechsler & Son, Inc., delivered the coffee to Waldorf System, Inc., New York, N. Y., which firm, on or about May 25, 1954, shipped the product from New York, N. Y., to Springfield, Mass.

**PRODUCT:** 253 unlabeled 12-ounce bags of coffee at Springfield, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of coffee and spent coffee grounds had been substituted in whole or in part for coffee, which the article was represented to be; and, Section 402 (b) (4), spent coffee grounds had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

**DISPOSITION:** July 26, 1954. Default decree of condemnation and destruction.

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\*See also Nos. 21685, 21686.

**21653. Adulteration of coffee dust.** U. S. v. 21 Bags \* \* \*. (F. D. C. No. 36803.  
Sample No. 71892-L.)

**LIBEL FILED:** May 27, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about May 10, 1954, by American Home Foods, Inc.,  
from Morris Plains, N. J.

**PRODUCT:** 21 bags, each containing 80 pounds, of coffee dust at Brooklyn, N. Y.

**LABEL, IN PART:** "Aronco Sei New York X X Anderson, Clayton & Cia. Lts.  
Acco Cafe Do Brasil Product of Brazil Café Do Estado De Sao Paulo X X X."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted  
in whole or in part of a filthy substance by reason of the presence of insects  
and insect parts.

**DISPOSITION:** July 7, 1954. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

**21654. Adulteration of cornmeal, flour, and egg noodles.** U. S. v. 7 Cases, etc.  
(F. D. C. No. 36127. Sample Nos. 82251-L to 82254-L, incl.)

**LIBEL FILED:** November 18, 1953, District of Kansas.

**ALLEGED SHIPMENT:** On or about May 5, July 7, August 5 and 21, and September  
1, 1953, from St. Joseph and Kansas City, Mo., Chicago, Ill., and Crete, Nebr.

**PRODUCT:** 7 cases, each containing 24 1½-pound packages, of cornmeal, 39  
50-pound bags of flour, and 39 cases, each containing 12 1-pound packages of  
noodles at Paola, Kans., in possession of the Logan-Fowler Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted  
in whole or in part of filthy substances by reason of the presence of rodent  
urine in the flour, rodent urine and rodent excreta in the cornmeal, and insects  
in the noodles. Further adulteration, Section 402 (a) (4), the cornmeal and  
flour had been held under insanitary conditions whereby they may have be-  
come contaminated with filth. The articles were adulterated while held for  
sale after shipment in interstate commerce.

**DISPOSITION:** January 9, 1954. Default decree of condemnation and destruction.

**21655. Adulteration of cornmeal, hominy, and rice.** U. S. v. 56 Bags, etc.  
(F. D. C. No. 36238. Sample Nos. 84434-L to 84437-L, incl.)

**LIBEL FILED:** January 21, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 6, May 8, and August 25 and 27, 1953,  
from Cedar Rapids, Iowa, St. Joseph, Mo., Paris, Ill., and De Witt, Ark.

**PRODUCT:** 280 100-pound bags of cornmeal, 50 100-pound bags of hominy, and  
153 100-pound bags of rice at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted  
in whole or in part of filthy substances by reason of the presence of insects.  
The articles were adulterated while held for sale after shipment in interstate  
commerce.

**DISPOSITION:** April 12, 1954. Jacob Kauffman, Philadelphia, Pa., claimant,  
having consented to the entry of a decree, judgment of condemnation was  
entered and the court ordered that the products be released under bond for  
conversion into animal feed, under the supervision of the Department of  
Health, Education, and Welfare.

**FLOUR\***

**21656. Adulteration of flour.** U. S. v. 52 Bags \* \* \*. (F. D. C. No. 36846.  
Sample No. 60183-L.)

**LIBLE FILED:** June 15, 1954, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 20, 1954, from Springfield, Ill.

**PRODUCT:** 52 25-pound bags of flour at Atlanta, Ga., in possession of the Pillsbury-Ballard Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 13, 1954. Default decree of condemnation. The court ordered that the product be destroyed or delivered to a Federal institution, for use as hog feed.

**21657. Adulteration of flour.** U. S. v. 29 Bags, etc. (F. D. C. No. 36769. Sample No. 72695-L.)

**LIBLE FILED:** On or about June 9, 1954, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about February 19, 1954, from Cherryville, Kans.

**PRODUCT:** 29 25-pound bags and 16 10-pound bags of flour at Pulaski, Va., in possession of the Blue Ridge Supply Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 16, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use other than for human consumption.

**MISCELLANEOUS CEREAL\*\***

**21658. Adulteration of wheat.** U. S. v. 91,680 Pounds \* \* \*. (F. D. C. No. 36774.  
Sample No. 85854-L.)

**LIBLE FILED:** June 29, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 12, 1954, by the Sully County Coop. Assn., from Onida, S. Dak.

**PRODUCT:** 91,680 pounds of wheat in 1 railroad car at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

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\*See also No. 21654.

\*\*See also No. 21655.

**DISPOSITION:** July 30, 1954. The Sully County Coop. Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond so that the contaminated portions could be reconditioned by scouring under the supervision of the Department of Health, Education, and Welfare. 66,560 pounds of wheat in the railroad car was found to be contaminated with mercury and was removed for scouring. As a result of the scouring operations, 60,020 pounds of wheat was found to be in compliance with the law and was released.

## FISH AND SHELLFISH

**21659. Adulteration of frozen chubs.** U. S. v. 1,542 Pounds \* \* \*. (F. D. C. No. 36872. Sample No. 58361-L.)

**LIBEL FILED:** July 8, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 13, 1954, from Holland and Frankfort, Mich., and Algoma, Wis.

**PRODUCT:** 1,542 pounds of frozen chubs in boxes, each containing approximately 100 pounds, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 24, 1954. Default decree of condemnation and destruction.

**21660. Adulteration of frozen chubs.** U. S. v. 639 Pounds \* \* \*. (F. D. C. No. 36871. Sample No. 58358-L.)

**LIBEL FILED:** July 8, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 15, 1954, from Two Rivers, Wis.

**PRODUCT:** 639 pounds of frozen chubs in boxes, each containing approximately 100 pounds, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 24, 1954. Default decree of condemnation and destruction.

**21661. Adulteration of frozen cod fillets.** U. S. v. 364 Cartons \* \* \*. (F. D. C. No. 36893. Sample No. 76636-L.)

**LIBEL FILED:** July 14, 1954, District of Maine.

**ALLEGED SHIPMENT:** On or about June 1, 15, and 16, 1954, by Gloucester Ice & Cold Storage, Gloucester, Mass., and by S. S. Blue Peter, Army Base, from Boston, Mass.

**PRODUCT:** 364 cartons of frozen cod fillets at Portland, Maine.

**LABEL, IN PART:** (Carton) "Block Cod Fillets Fulhams 4—12½ Lbs. 50 Lbs. Net Product Of St. Pierre—MIQ."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** July 30, 1954. Default decree of condemnation and destruction.

**21662. Adulteration of frozen cod fillets. U. S. v. 41 Cartons \* \* \*. (F. D. C. No. 37042. Sample No. 76639-L.)**

LIBEL FILED: August 9, 1954, District of Maine.

ALLEGED SHIPMENT: On or about May 14, 1954, from Reykjavik, Iceland.

PRODUCT: 41 56-pound cartons of frozen cod fillets at Portland, Maine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 26, 1954. Default decree of condemnation and destruction.

**21663. Adulteration of frozen fish fillets (flounder and "seadab"). U. S. v. 57 Cartons \* \* \*. (F. D. C. No. 37017. Sample No. 58391-L.)**

LIBEL FILED: July 28, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1954, from Washington, D. C. This was a return shipment.

PRODUCT: 57 cartons, each containing 10 pounds, of frozen fish fillets (flounder and "seadab") at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: August 16, 1954. Default decree of condemnation and destruction.

**21664. Adulteration of frozen flounder fillets and frozen sole fillets. U. S. v. 43 Cartons \* \* \*. (F. D. C. No. 37019. Sample No. 58359-L.)**

LIBEL FILED: July 28, 1954, Southern District of New York.

ALLEGED SHIPMENT: Between May 21 and 27, 1954, from Digby, Nova Scotia, and Boston, New Bedford, and Gloucester, Mass.

PRODUCT: 43 cartons, each containing 10 pounds, of frozen flounder fillets and frozen sole fillets at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 16, 1954. Default decree of condemnation and destruction.

**21665. Adulteration of frozen whiting. U. S. v. 711 Pounds \* \* \*. (F. D. C. No. 36883. Sample No. 58364-L.)**

LIBEL FILED: July 13, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about May 25, 1954, from Plymouth, Mass.

PRODUCT: 711 pounds of frozen whiting at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 4, 1954. Default decree of condemnation and destruction.

**21666. Adulteration of whitefish roe.** U. S. v. 300 Pounds, etc. (F. D. C. No. 36810. Sample Nos. 72057-L, 72058-L.)

**LIBEL FILED:** May 27, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 12, 1954, from Sister Bay and Ellison Bay, Wis.

**PRODUCT:** 300 pounds of whitefish roe in 2 barrels and 1,000 pounds of whitefish roe in 3 barrels at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed whitefish roe. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 21, 1954. Default decree of condemnation and destruction.

**21667. Adulteration of crabmeat.** U. S. v. 283 Cans \* \* \*. (F. D. C. No. 35901. Sample No. 75582-L.)

**LIBEL FILED:** August 3, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 27, 1954, by W. G. Evans, from Messick, Va.

**PRODUCT:** 283 8-ounce cans of crabmeat in 2 barrels at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions.

**DISPOSITION:** August 26, 1954. Default decree of condemnation and destruction.

**21668. Adulteration of crabmeat.** U. S. v. 48 Cans \* \* \*. (F. D. C. No. 35900. Sample No. 75583-L.)

**LIBEL FILED:** August 3, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 27, 1954, by W. G. Evans, from Messick, Va.

**PRODUCT:** 48 1-pound cans of crabmeat at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions.

**DISPOSITION:** August 26, 1954. Default decree of condemnation and destruction.

**21669. Adulteration of canned oysters.** U. S. v. 498 Cases \* \* \*. (F. D. C. No. 36785. Sample No. 67557-L.)

**LIBEL FILED:** July 13, 1954, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about April 24, 1954, by the Franklin Packing Co., from Franklin, La.

**PRODUCT:** 498 cases, each containing 24 cans, of oysters at Biloxi, Miss.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 26, 1954. Default decree of condemnation and destruction.

**21670. Adulteration of frozen shrimp.** U. S. v. 37 Cartons \* \* \*. (F. D. C. No. 36869. Sample No. 72065-L.)

**LIBEL FILED:** July 8, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 22, 1954, from the Republic of Panama.

PRODUCT: 37 cartons, each containing 10 5-pound packages, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 13, 1954. The Brooklyn Bridge Freezing & Cold Storage Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 186 pounds of the product were found unfit and were destroyed.

**21671. Adulteration of frozen shrimp. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 37067. Sample Nos. 60702-L, 60704-L.)**

LIBEL FILED: September 1, 1954, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 3, 1954, by Flavor-Pak Foods, Inc., from Miami, Fla.

PRODUCT: 5 cases, each containing 12 5-pound boxes, of frozen shrimp at Atlanta, Ga.

LABEL, IN PART: (Cases) "Sir Shrimp Extra Fine Food Sir Shrimp Co. 765 N. W. 54 St. Miami, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: September 28, 1954. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**21672. Adulteration of raisins. U. S. v. 72 Cases, etc. (F. D. C. No. 36864. Sample Nos. 76207-L, 76208-L.)**

LIBEL FILED: June 29, 1954, Western District of Washington.

ALLEGED SHIPMENT: On or about May 24, 1954, by the Pacific Raisin Co., from Fowler, Calif.

PRODUCT: 72 cases, each containing 24 packages, and 19 cases, each containing 8 packages, of raisins at Tacoma, Wash.

LABEL, IN PART: (Package) "Standby Seedless Raisins Net Weight 15 Ounces" and "4 Lbs. Net Wt. Pacific Brand Choice Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4) the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 5, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**FRESH FRUIT**

**21673. Adulteration of fresh blueberries. U. S. v. 24 Crates \* \* \*. (F. D. C. No. 37122. Sample No. 76892-L.)**

**LIBEL FILED:** August 17, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 16, 1954, by Kimball & Watson, from Union, N. H.

**PRODUCT:** 24 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

**DISPOSITION:** September 14, 1954. Default decree of condemnation and destruction.

**21674. Adulteration of fresh blueberries. U. S. v. 10 Crates \* \* \*. (F. D. C. No. 37121. Sample No. 76891-L.)**

**LIBEL FILED:** August 17, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 16, 1954, by John D. Tufts, from Union, N. H.

**PRODUCT:** 10 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

**DISPOSITION:** September 13, 1954. Default decree of condemnation and destruction.

**VEGETABLES**

**21675. Adulteration of carob beans. U. S. v. 35 Bags \* \* \*. (F. D. C. No. 37059. Sample No. 49763-L.)**

**LIBEL FILED:** August 19, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** During 1949, from the Island of Cyprus.

**PRODUCT:** 35 110-pound bags of carob beans at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 3, 1954. Default decree of condemnation and destruction.

**21676. Adulteration of soybeans. U. S. v. 860 Bags \* \* \*. (F. D. C. No. 36779. Sample Nos. 79319-L, 79324-L.)**

**LIBEL FILED:** July 6, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 28 and 30, 1954, from Richmond, Va.

**PRODUCT:** 860 100-pound bags of soybeans at Mount Vernon, Ohio, in possession of the Loma Linda Food Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August, 4, 1954. The Loma Linda Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. As a result of the reprocessing operations, 4,310 pounds of the product were found unfit and were destroyed.

**21677. Adulteration of chickpeas. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 36795.)**  
Sample No. 83106-L.)

**LIBEL FILED:** May 14, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about March 15, 1954, by Louis Cohen, from New York, N. Y.

**PRODUCT:** 100 bags of chickpeas at Chicago, Ill.

**LABEL, IN PART:** (Bag) "CAM HSC Shipk Poischiches 5456 Net Weight 110 Lb. \* \* \* Product of French Morocco."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** August 24, 1954. Sokol & Co., Chicago, Ill., having appeared as claimant and later withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21678. Adulteration of chickpeas. U. S. v. 13 Bags \* \* \*. (F. D. C. No. 36799.)**  
Sample No. 46124-L.)

**LIBEL FILED:** May 17, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 8, 1954, by Louis Cohen, from New York, N. Y.

**PRODUCT:** 13 bags of chickpeas at New Bedford, Mass.

**LABEL, IN PART:** (Bag) "CAM HSC Shipk Peas Poischiches 5456 Net Weight 110 Lb. \* \* \* Produce of French Morocco."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** July 20, 1954. Default decree of condemnation and destruction.

**21679. Adulteration of chickpeas. U. S. v. 7 Bags \* \* \*. (F. D. C. No. 36744.)**  
Sample No. 82488-L.)

**LIBEL FILED:** May 17, 1954, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 24, 1954, by Imperial Foods, from Cleveland, Ohio.

**PRODUCT:** 7 110-pound bags of chickpeas at Silver Creek, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** June 24, 1954. Default decree of condemnation and destruction.

**21680. Adulteration of potatoes. U. S. v. 311 Sacks \* \* \*. (F. D. C. No. 37039. Sample No. 65763-L.)**

**LIBEL FILED:** August 11, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 14, 1954, by the 'Xclusive Potato Co., from Huron, Calif.

**PRODUCT:** 311 sacks of potatoes at Chicago, Ill.

**LABEL, IN PART:** (Sack) "U. S. No. 1-B Small Fry Brand California Potatoes Grown & Packed by Huron Packing Co., Main Office Shafter, Calif. 100 lbs. Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of nematodes.

**DISPOSITION:** August 30, 1954. The sole intervenor having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21681. Adulteration of olives. U. S. v. 64 Cases \* \* \*. (F. D. C. No. 37046. Sample No. 87876-L.)**

**LIBEL FILED:** August 26, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 16, 1954, by the A. C. L. Haase Co., from St. Louis, Mo.

**PRODUCT:** 64 cases, each containing 12 jars, of olives at Philadelphia, Pa.

**LABEL, IN PART:** (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 32 Dr. Wt. 1 Lb. 5 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy olives, and of a decomposed substance by reason of the presence of rotten olives.

**DISPOSITION:** September 29, 1954. Default decree of condemnation and destruction.

**21682. Adulteration of olives. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 36770. Sample No. 75706-L.)**

**LIBEL FILED:** June 23, 1954, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about May 27, 1954, by the Evans Grocery Co., from Gallipolis, Ohio.

**PRODUCT:** 9 cases, each containing 12 jars, of olives at Huntington, W. Va.

**LABEL, IN PART:** (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 24 Dr. Wt. 14 Oz. Packed By A. C. L. Haase Co. St. Louis, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

**DISPOSITION:** July 28, 1954. Default decree of condemnation and destruction.

**21683. Adulteration of olives. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 36907. Sample No. 15937-L.)**

**LIBEL FILED:** July 28, 1954, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about June 22, 1954, by the A. C. L. Haase Co., from St. Louis, Mo.

PRODUCT: 8 cases, each containing 12 bottles, of olives at Tulsa, Okla.

LABEL, IN PART: (Bottle) "Hale's Pride Salad Olives Spanish Olives With Pimiento No. 24 Dr. Wt. 14 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged olives.

DISPOSITION: September 2, 1954. Default decree of condemnation and destruction.

21684. Adulteration of salt-cured olives. U. S. v. 7 Drums \* \* \*. (F. D. C. No. 36566. Sample No. 43569-L.)

LIBEL FILED: May 10, 1954, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 13, 1954, by the Melba Packing Co., from Fresno, Calif.

PRODUCT: 7 50-pound drums of salt-cured olives at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested olives, and of a decomposed substance by reason of the presence of moldy olives.

DISPOSITION: July 20, 1954. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

21685. Adulteration of canned tomatoes and tomato juice. U. S. v. Winorr Canning Co. Plea of nolo contendere. Fine, \$600. (F. D. C. No. 36650. Sample Nos. 38908-L, 58068-L, 63831-L, 63832-L, 72654-L, 73790-L.)

INFORMATION FILED: September 27, 1954, Northern District of Ohio, against the Winorr Canning Co., a corporation, Wauseon, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of October 31, 1952, and January 28, 1954, from the State of Ohio into the States of Virginia, Illinois, Missouri, and Pennsylvania.

LABEL, IN PART: (Can) "Plee-zing Tomato Juice Net Contents 1 Pt. 2 Fl. Oz. Packed By The Winorr Canning Co. Circleville, Ohio," "Plee-zing Tomatoes With Added Tomato Juice Net Weight 1 Lb. 3 Oz. Packed By The Winorr Canning Co. Circleville, Ohio," and "Sword Tomatoes Net Weight 1 Lb. Packed For Household Products Co., Chicago, Ill., by The Winorr Canning Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: November 5, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$600.

21686. Adulteration of tomato juice. U. S. v. 48 Cases \* \* \*. (F. D. C. No. 36916. Sample No. 67539-L.)

LIBEL FILED: August 10, 1954, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 12, 1954, by the Los Fresnos Canning Co., from Los Fresnos, Tex.

PRODUCT: 48 cases, each containing 12 cans, of tomato juice at New Orleans, La.  
LABEL, IN PART: (Can) "Garth Brand Tomato Juice Contents 1 Qt. 14 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 13, 1954. Default decree of condemnation and destruction.

## NUTS

**21687. Adulteration of unshelled brazil nuts. U. S. v. 12 Bags \* \* \*. (F. D. C. No. 37052. Sample No. 49765-L.)**

LIBEL FILED: August 19, 1954, Southern District of New York.

ALLEGED SHIPMENT: During 1952, from Manoas, Brazil.

PRODUCT: 12 100-pound bags of unshelled brazil nuts at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of moldy and decomposed nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 3, 1954. Default decree of condemnation and destruction.

**21688. Adulteration of raw peanuts. U. S. v. 16 Bags \* \* \*. (F. D. C. No. 36921. Sample No. 89271-L.)**

LIBEL FILED: August 16, 1954, Western District of Arkansas.

ALLEGED SHIPMENT: On or about June 10, 1954, from Shreveport, La.

PRODUCT: 16 50-pound bags of raw peanuts at El Dorado, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 29, 1954. Default decree of condemnation and destruction.

**21689. Adulteration of unshelled pecans. U. S. v. James A. Bond. Plea of guilty. Fine, \$75. (F. D. C. No. 36664. Sample No. 47951-L.)**

INDICTMENT RETURNED: February 9, 1955, Southern District of Mississippi, against James A. Bond, Gulfport, Miss.

ALLEGED SHIPMENT: On or about January 15, 1954, from the State of Mississippi into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of moldy and rancid pecans, and it was otherwise unfit for food by reason of the presence of empty shells and of pecans having a pronounced smoky odor and taste.

DISPOSITION: April 12, 1955. The defendant having entered a plea of guilty, the court fined him \$75.

## POULTRY

**21690. Adulteration of dressed poultry.** U. S. v. 866 Pounds \* \* \*. (F. D. C. No. 36827. Sample No. 84799-L.)

**LIBEL FILED:** June 9, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 26, 1954, by Kessler Bros. Poultry Dealers, from Farmingdale, N. J.

**PRODUCT:** 866 pounds of dressed poultry in 12 crates at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** July 7, 1954. Kessler Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, the entire amount of the product under seizure was destroyed.

**21691. Adulteration of dressed poultry.** U. S. v. 16 Crates \* \* \*. (F. D. C. No. 36932. Sample No. 68047-L.)

**LIBEL FILED:** August 30, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 22, 1954, by the Pelahatchie Poultry Co., from Pelahatchie, Miss.

**PRODUCT:** 16 crates containing a total of 524 pounds of dressed poultry at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** October 1, 1954. Default decree of condemnation and destruction.

**21692. Adulteration of dressed poultry.** U. S. v. 450 Pounds \* \* \*. (F. D. C. No. 37055. Sample No. 90008-L.)

**LIBEL FILED:** August 16, 1954, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about August 10, 1954, by United Cooperative Farmers, Inc., from Leominster, Mass.

**PRODUCT:** 450 pounds of dressed poultry in 7 crates at Providence, R. I.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** September 10, 1954. Default decree of condemnation and destruction.

**21693. Adulteration of dressed poultry.** U. S. v. 3 Crates \* \* \*. (F. D. C. No. 36933. Sample No. 68046-L.)

**LIBEL FILED:** On or about September 2, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 20, 1954, by Hilbun's Poultry Market, from Laurel, Miss.

**PRODUCT:** 3 crates containing a total of 140 pounds of dressed poultry at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with crop material, and of a decomposed substance by reason of the presence of decomposed birds.

**DISPOSITION:** October 1, 1954. Default decree of condemnation and destruction.

**21694. Adulteration of dressed turkeys. U. S. v. 20 Boxes, etc. (F. D. C. No. 36845. Sample Nos. 24413-L, 24414-L.)**

**LIBEL FILED:** June 16, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 14, 1954, from Mason City, Iowa.

**PRODUCT:** 20 boxes, containing a total of 1,800 pounds, and 4 boxes, containing a total of 358 pounds, of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds, and of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 6, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21695. Adulteration of chili peppers. U. S. v. 35 Bags \* \* \*. (F. D. C. No. 37095. Sample No. 68642-L.)**

**LIBEL FILED:** September 10, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** The product was imported into the United States on or about June 11, 1954.

**PRODUCT:** 35 50-pound bags of chili peppers at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of moldy chili peppers. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1954. Default decree of condemnation and destruction.

**21696. Adulteration of coriander seed. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 36915. Sample No. 42708-L.)**

**LIBEL FILED:** August 11, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 26, 1954, from New York, N. Y.

**PRODUCT:** 6 86-pound bags of coriander seed at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 20, 1954. Default decree of condemnation and destruction.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**21697. Adulteration and misbranding of vitamin capsules. U. S. v. 13,900 Capsules \* \* \*. (F. D. C. No. 36929. Sample No. 88585-L.)**

**LIBEL FILED:** August 24, 1954, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about March 10, 1952, from Detroit, Mich.

**PRODUCT:** 13,900 vitamin capsules in 2 cartons at Sioux City, Iowa. Analysis showed that the product contained less than 25 percent of the declared amount of vitamin B<sub>1</sub> (thiamine hydrochloride).

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients in each capsule: Thiamine Hydrochloride USP 5 Mg." was false and misleading.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 27, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, conditioned that the institution be advised of the deficiency of vitamin B<sub>1</sub> in the product.

**21698. Adulteration and misbranding of vitamin capsules. U. S. v. 4,800 Capsules \* \* \*. (F. D. C. No. 37072. Sample No. 72048-L.)**

**LIBEL FILED:** August 31, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** Between June 29 and July 10, 1954, from East Newark, N. J.

**PRODUCT:** 4,800 vitamin capsules in a bulk container at Freeport, N. Y. Analysis showed that the product contained 0.6 milligram of vitamin B<sub>1</sub>.

**RESULTS OF INVESTIGATION:** The capsules were intended to be repackaged into 100-capsule bottles and labeled, in part, "Active ingredients in each capsule: Thiamin Chloride 1 mg. represents B<sub>1</sub> 333 U. S. P. Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement "Active ingredients in each capsule: Thiamin Chloride 1 mg. represents B<sub>1</sub> 333 U. S. P. Units" displayed upon the labeling accompanying the article was false and misleading as applied to the article, which contained less than the stated amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1954. Default decree of condemnation and destruction.

**21699. Adulteration and misbranding of Sextaforte vitamin drops. U. S. v. 264 Cartoned Bottles, etc. (F. D. C. No. 36847. Sample No. 71942-L.)**

**LIBEL FILED:** June 21, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 9, 1954, by Jabert Pharmaceutical Co., Inc., from East Newark, N. J.

**PRODUCT:** Sextaforte vitamin drops. 264 cartoned bottles, each containing 30 cc., and 16 cartoned bottles, each containing 1 pint, at Long Island City, N. Y.

Analysis showed that the product contained 63 percent of the declared amount of vitamin A.

**LABEL, IN PART:** (Carton and bottle) "Sextaforte Water Soluble Polyvitamin Drops Each cc. contains: Vitamin A 10,000 USP Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each cc. contains: Vitamin A 10,000 USP Units" was false and misleading.

**DISPOSITION:** September 15, 1954. Default decree of condemnation and destruction.

**21700. Adulteration of Soyalac concentrated liquid hypoallergenic infant food.**

U. S. v. 91 Cases \* \* \*. (F. D. C. No. 37036. Sample No. 60285-L.)

**LIBEL FILED:** August 5, 1954, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 12, 1954, from Mount Vernon, Ohio.

**PRODUCT:** 91 cases, each containing 12 15-ounce cans, of Soyalac concentrated liquid hypoallergenic infant food at Miami, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1954. Default decree of forfeiture and destruction.

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# THE FEDERAL REGISTER



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# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

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### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21701-21750

## FOODS

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., August 24, 1955.

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**CANDY**

**21701. Adulteration of candy. U. S. v. D. L. Clark Co. and Duane M. Smith.**  
Pleas of nolo contendere. Fine of \$3,000 against company and \$300 against individual. (F. D. C. No. 36637. Sample Nos. 58155-L, 81783-L, 83696-L, 83697-L.)

**INFORMATION FILED:** August 9, 1954, Northern District of Illinois, against the D. L. Clark Co., a corporation, Evanston, Ill., and Duane M. Smith, manager of the corporation's Evanston plant.

**ALLEGED SHIPMENT:** Between the approximate dates of February 11 and March 3, 1954, from the State of Illinois into the States of Indiana, Nebraska, and Minnesota.

**LABEL, IN PART:** (Package) "Net Weight 1 $\frac{1}{4}$  Oz. CLARK Clark—A Great Name for Quality Candy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 17, 1954. The defendants having entered pleas of nolo contendere, the court fined the corporation \$3,000 and the individual \$300.

**21702. Adulteration of candy. U. S. v. Mrs. J. G. McDonald Chocolate Co. and B. Wellington McDonald.** Pleas of guilty. Fine of \$2,000 against each defendant; fine against individual suspended. (F. D. C. No. 36601. Sample Nos. 74506-L, 85644-L, 85647-L, 85650-L.)

**INFORMATION FILED:** September 1, 1954, District of Utah, against the Mrs. J. G. McDonald Chocolate Co., a corporation, Salt Lake City, Utah, and B. Wellington McDonald, secretary and treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about January 20, 21, and 27, 1954, from the State of Utah into the States of Colorado, Wyoming, and California.

**LABEL, IN PART:** (Box) "Mrs. J. G. McDonald's Chocolates Personal Selection Net Weight 1 Pound," "Mrs. J. G. McDonald's Assorted Hand Made Chocolates Net Weight One Pound," "Mrs. J. G. McDonald's Chocolates Net Weight Eight Ounces," and "Mrs. J. G. McDonald's Gift of Gold Chocolates One Pound Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hairs, and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 17, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$2,000. Thereafter, a motion for reduction of sentence was filed on behalf of the defendants and was heard by the court on February 4, 1955. On March 7, 1955, an order was entered suspending the fine which had been imposed against the individual.

**21703. Adulteration of candy.** U. S. v. Manuel Virgil Davis (Davis Candy Co.). Plea of guilty. Defendant fined \$250 and sentenced to 1 year and 1 day imprisonment; prison sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 36574. Sample Nos. 71122-L, 71124-L, 71127-L, 79351-L, 79353-L.)

**INDICTMENT RETURNED:** November 8, 1954, Eastern District of Tennessee, against Manuel Virgil Davis, trading as the Davis Candy Co., Chattanooga, Tenn.

**ALLEGED SHIPMENT:** Between the approximate dates of November 6 and 25, 1953, from the State of Tennessee into the States of Alabama and Kentucky.

**LABEL, IN PART:** (Box) "Davis Cocoanut Bon Bons Two Dozen," "Davis Stick Candy," "Davis Stick Candy \* \* \* 120-1c Assorted," and "80 Delicious Davis Penny Sticks \* \* \* Cream (or Sassafras)."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 7, 1954. The defendant having entered a plea of guilty, the court fined him \$250 and sentenced him to 1 year and 1 day in prison. The court suspended the prison sentence and placed the defendant on probation for 1 year.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**21704. Adulteration of bread.** U. S. v. Spring Valley Bakery, Inc., and Simon Goodman. Pleas of guilty. Fine of \$500 against defendants jointly. (F. D. C. No. 36579. Sample Nos. 50604-L, 51521-L.)

**INFORMATION FILED:** September 16, 1954, Southern District of New York, against Spring Valley Bakery, Inc., Spring Valley, N. Y., and Simon Goodman, secretary of the corporation.

**ALLEGED SHIPMENT:** On or about December 8, 1953, and January 18, 1954, from the State of New York into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance, namely, rodent hairs and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 30, 1954. The defendants having entered pleas of guilty, the court fined the defendants, jointly, \$500.

### FLOUR

**21705. Adulteration of flour.** U. S. v. Walnut Grove Water Mills Co. and Clyde O. Hogan. Pleas of guilty. Fine of \$200 against company and \$50 against individual. (F. D. C. No. 36607. Sample Nos. 79361-L, 79362-L, 79365-L.)

**INFORMATION FILED:** September 28, 1954, Middle District of Tennessee, against the Walnut Grove Water Mills Co., a partnership, Adams, Tenn., and Clyde O. Hogan, a partner in the partnership.

ALLEGED SHIPMENT: On or about January 18 and February 1, 1954, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: (Bag) "25 Lbs. Net Best Yet Enriched Phosphated [or "Self-Rising"] Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 15, 1954. The defendants having entered pleas of guilty, the court fined the partnership \$200 and the individual \$50.

**21706. Adulteration of flour. U. S. v. 28 Bags, etc. (F. D. C. No. 36086.)**  
Sample Nos. 59812-L, 59813-L.)

LIBEL FILED: November 2, 1953, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 26 and 28, 1953, from Enid, Okla., and Louisville, Ky.

PRODUCT: 128 100-pound bags of flour at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 17, 1953. Default decree of condemnation and destruction.

**21707. Adulteration of flour. U. S. v. 51 Bags \* \* \*. (F. D. C. No. 37076.)**  
Sample No. 68517-L.)

LIBEL FILED: September 2, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about March 5, 1954, from Great Falls, Mont.

PRODUCT: 51 100-pound bags of flour at Bronx, N. Y., in possession of the Silver Flour Warehouse & Trucking Corp.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 1, 1954. Default decree of condemnation and destruction.

**21708. Adulteration of flour. U. S. v. 27 Bags \* \* \*. (F. D. C. No. 36939.)**  
Sample No. 89290-L.)

LIBEL FILED: August 31, 1954, Western District of Arkansas.

ALLEGED SHIPMENT: On or about July 19, 1954, from McPherson, Kans.

PRODUCT: 27 25-pound bags of flour at Harrison, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 1, 1954. Default decree of condemnation and destruction.

21709. Adulteration of flour. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 36954. Sample No. 72825-L.)

LIBLE FILED: September 13, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1954, from Chicago, Ill.

PRODUCT: 2 barrels, each containing 250 pounds, of flour at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 12, 1954. Default decree of condemnation and destruction.

### MACARONI AND NOODLE PRODUCTS

21710. Adulteration of macaroni and spaghetti. U. S. v. S. D. Giacomo Co. and Pete Giacomo. Pleas of not guilty. Tried to the court. Verdict of guilty. Company fined \$200 and individual defendant fined \$100. (F. D. C. No. 36659. Sample Nos. 15638-L, 15639-L.)

INFORMATION FILED: January 17, 1955, Northern District of Oklahoma, against the S. D. Giacomo Co., a partnership, Sapulpa, Okla., and Pete Giacomo, a partner in the partnership.

ALLEGED VIOLATION: Between the approximate dates of September 24, 1952, and February 16, 1954, while a quantity of macaroni and spaghetti was being held for sale after shipment in interstate commerce, the defendants caused the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury on March 3, 1955. The trial was concluded on the same day, with the return of a verdict of guilty and the imposition of a fine of \$200 against the company and \$100 against the individual defendant.

21711. Adulteration of egg noodles. U. S. v. Daniel W. Mikesell, Inc., and Ralph L. Lyon. Pleas of guilty. Fine of \$300 against corporation and \$100 against individual. (F. D. C. No. 36618. Sample Nos. 70773-L, 70774-L, 70778-L, 70779-L.)

INFORMATION FILED: On or about November 3, 1954, Southern District of Ohio, against Daniel W. Mikesell, Inc., doing business at Dayton, Ohio, and Indianapolis, Ind., and against Ralph L. Lyon, manager of the corporation's Indianapolis plant.

ALLEGED SHIPMENT: Between the approximate dates of October 9 and 16, 1953, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Bag) "Mike-sell's' Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 8, 1955. The defendants having entered pleas of guilty, the court fined the corporation \$300 and the individual \$100.

### MISCELLANEOUS CEREALS

**21712. Adulteration of barley. U. S. v. 71,200 Pounds \* \* \*. (F. D. C. No. 36905. Sample No. 76312-L.)**

**LIBEL FILED:** July 26, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 28, 1954, by Pendleton Grain Growers, Inc., from Pendleton, Oreg.

**PRODUCT:** 71,200 pounds of barley in 1 railroad car at Vancouver, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** August 9, 1954. Pendleton Grain Growers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for decharacterizing for use as seed, under the supervision of the Department of Health, Education, and Welfare.

**21713. Adulteration of unpopped popcorn. U. S. v. 150 Bags \* \* \*. (F. D. C. No. 36896. Sample No. 60110-L.)**

**LIBEL FILED:** July 14, 1954, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 15 and 28, 1954, by the Northwest Popcorn & Seed Co., from Delaware, Ohio.

**PRODUCT:** 150 bags of unpopped popcorn at Atlanta, Ga.

**LABEL, IN PART:** (Bag) "Supreme 100 Lbs. Net Manley's Best \* \* \* Jumbo Pop Corn Finest Selected Sealed in Quality."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent-gnawed kernels; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 7, 1954. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**21714. Adulteration of rice. U. S. v. 20 Bags, etc. (F. D. C. No. 37071. Sample Nos. 82621-L to 82625-L, incl.)**

**LIBEL FILED:** August 26, 1954, Western District of New York.

**ALLEGED SHIPMENT:** Between the approximate dates of October 5, 1953, and June 3, 1954, from Jonesboro and Stuttgart, Ark., and Houston, Tex.

**PRODUCT:** 25 25-pound bags and 74 100-pound bags of rice at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 3, 1955. The Arkansas Rice Growers Cooperative Association appeared as claimant with respect to 35 100-pound bags of rice. The claimant having consented to the entry of a decree, judgment of condemnation was entered against the 35 bags of rice, and the court ordered that the product be released under bond for segregation under the supervision of the Department of Health, Education, and Welfare. This rice was reconditioned by running it through regular milling operations. On February 7, 1955, a default decree of condemnation and destruction was entered with respect to the remaining 39 100-pound bags and 25 25-pound bags of rice.

**21715. Adulteration of wheat. U. S. v. 119,810 Pounds \* \* \*. (F. D. C. No. 36867. Sample No. 76553-L.)**

**LIBLE FILED:** June 30, 1954, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 4, 1954, by Cargill, Inc., from Collins, Mont.

**PRODUCT:** 119,810 pounds of wheat at Tacoma, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** July 13, 1954. Cargill, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of scouring and washing, or decharacterizing, under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 7,250 pounds of the product were found unfit and were destroyed.

## DAIRY PRODUCTS

### BUTTER

**21716. Adulteration of butter. U. S. v. Swisher Creamery, Inc., and Henry Teubel. Pleas of guilty. Fine of \$300 against corporation and \$200 against individual. (F. D. C. No. 36627. Sample Nos. 58259-L, 69900-L.)**

**INFORMATION FILED:** August 30, 1954, Northern District of Texas, against Swisher Creamery, Inc., Tulia, Tex., and Henry Teubel, president of the corporation.

**ALLEGED SHIPMENT:** On or about September 29 and October 16, 1953, from the State of Texas into the States of Illinois and New Mexico.

**LABEL, IN PART:** (Cartons, portion) "One Pound Butter Quartered Clardy's Fine Dairy Products 200 E. 5th Roswell, N. Mex."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the use of filth-contaminated cream in the preparation of the article and by reason of the presence in the article of

fly setae, other insect fragments, fly eggs, cat hair fragments, and rodent hair fragments.

**DISPOSITION:** November 4, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$300 and the individual \$200.

**21717. Adulteration of butter. U. S. v. 167 Boxes (10,688 pounds) \* \* \*. (F. D. C. No. 37127. Sample No. 58758-L.)**

**LIBLE FILED:** September 14, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 6, 1954, by the Fairmont Foods Co., from Omaha, Nebr.

**PRODUCT:** 167 64-pound boxes of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 17, 1954. The Fairmont Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into butter oil and the purification of the oil for use as an ingredient in the manufacture of ice cream or other food products, under the supervision of the Department of Health, Education, and Welfare.

## CHEESE

**21718. Adulteration of grated cheese. U. S. v. 174 Cases \* \* \*. (F. D. C. No. 37074. Sample No. 88103-L.)**

**LIBLE FILED:** On or about August 30, 1954, District of Maryland.

**ALLEGED SHIPMENT:** On or about July 16, 1954, by the New Yorker Cheese Co., from Philadelphia, Pa.

**PRODUCT:** 174 cases, each containing 24 jars, of grated cheese at Landover, Md.

**LABEL, IN PART:** (Jar) "New Yorker Brand Grated Cheese Parmesan Style \* \* \* Net Wt. 2 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 28, 1954. Default decree of condemnation and destruction.

## FISH AND SHELLFISH\*

**21719. Adulteration of canned salmon. U. S. v. 125 Cases \* \* \* (and two other seizure actions). (F. D. C. Nos. 36998 to 37000, incl. Sample Nos. 87210-L, 87215-L.)**

**LIBLE FILED:** October 14, 1954, District of North Dakota.

**ALLEGED SHIPMENT:** Between the approximate dates of September 17 and 23, 1954, by the Whiz Fish Products Co., from Seattle, Wash.

**PRODUCT:** 623 cases, each containing 24 unlabeled 1-pound cans, of salmon at Minot, Grand Forks, and Bismarck, N. Dak.

\*See also Nos. 21731, 21748, 21749.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** November 29, 1954. The Whiz Fish Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation under the supervision of the Department of Health, Education, and Welfare. As the result of the segregation operations, 112 cases were found to be unfit and were destroyed.

**21720. Adulteration of frozen fish (spoonbill).** U. S. v. 236 Pounds \* \* \*.  
(F. D. C. No. 36860. Sample Nos. 72064-L, 72066-L.)

**LIBEL FILED:** June 30, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 30, 1954, from Iuka, Miss.

**PRODUCT:** 236 pounds of frozen fish (spoonbill) at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

**21721. Adulteration of crabmeat.** U. S. v. Lewis Crab Factory, William B. Lewis, and Euclid W. Lewis. Pleas of nolo contendere. Fine of \$200 against factory and probation for 1 year against factory and each individual. (F. D. C. No. 36616. Sample No. 2288-L.)

**INFORMATION FILED:** June 29, 1954, Southern District of Georgia, against the Lewis Crab Factory, a partnership, Brunswick, Ga., and William B. Lewis and Euclid W. Lewis, partners in the partnership.

**ALLEGED SHIPMENT:** On or about October 21, 1953, from the State of Georgia into the State of Maryland.

**LABEL, IN PART:** (Can) "Lewis Crab Factory Ga. 1 C All-Lump Crab Meat 1 Lb. Net Brunswick, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence in the article of *Escherichia coli* of fecal origin; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 14, 1954. The defendants having entered pleas of nolo contendere, the court fined the partnership \$200 and placed the partnership and each individual on probation for 1 year.

**21722. Adulteration of crabmeat.** U. S. v. R. L. Whorton's Crab Plant, Romie L. Whorton, and Mary C. Whorton. Pleas of nolo contendere. Fine of \$200 against plant and probation for 1 year against plant and each individual. (F. D. C. No. 36586. Sample Nos. 2287-L, 59916-L, 59925-L, 59935-L, 59936-L.)

**INFORMATION FILED:** June 29, 1954, Southern District of Georgia, against R. L. Whorton's Crab Plant, a partnership, Brunswick, Ga., and Romie L. Whorton, and Mary C. Whorton, partners in the partnership.

**ALLEGED SHIPMENT:** Between the approximate dates of October 21 and November 4, 1953, from the State of Georgia into the States of Pennsylvania, New York, and Maryland.

**LABEL, IN PART:** (Can) "R. L. Whorton's Crab Plant \* \* \* Crab Meat 1 Lb. Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of *Escherichia coli* of fecal origin; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 14, 1954. The defendants having entered pleas of nolo contendere, the court fined the partnership \$200 and placed the partnership and each individual on probation for 1 year.

**21723. Adulteration of oysters. U. S. v. 556 Cans \* \* \*. (F. D. C. No. 36983.)**  
Sample Nos. 88228-L, 88229-L.)

**LIBEL FILED:** September 30, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 27, 1954, by Oxford Packing Co., Inc., from Oxford, Md.

**PRODUCT:** 556 cans of oysters at Cincinnati, Ohio.

**LABEL, IN PART:** "Oysters Selects [or "Standards"] \* \* \* Long Bar Brand Oysters 12 Fl. Ozs. \* \* \* MD S."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** October 4, 1954. Oxford Packing Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. On April 7, 1955, the decree was amended to provide for the destruction of the product.

**21724. Adulteration of oysters. U. S. v. 464 Cans \* \* \*. (F. D. C. No. 36984.)**  
Sample No. 75304-L.)

**LIBEL FILED:** October 2, 1954, Northern District of New York.

**ALLEGED SHIPMENT:** On or about September 28, 1954, by J. B. Robinson and Co., from Seaford, Del.

**PRODUCT:** 464 cans of oysters at Norwich, N. Y.

**LABEL, IN PART:** "Oysters Standards Salt Water Oysters \* \* \* One Pint Net Del. 2."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** November 8, 1954. Default decree of condemnation and destruction.

**21725. Adulteration of oysters.** U. S. v. 304 Cans \* \* \*. (F. D. C. No. 36969.  
Sample No. 75648-L.)

**LIBEL FILED:** September 23, 1954, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 21, 1954, by the McNasby Oyster  
Co., from Annapolis, Md.

**PRODUCT:** 304 cans of oysters at Wapakoneta, Ohio.

**LABEL, IN PART:** "Oysters Standards \* \* \* Famous Pearl Brand \* \* \* One  
Pint Net \* \* \* MD 87."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substi-  
tuted in part for oysters; and, Section 402 (b) (4), water had been added to  
the oysters and mixed and packed with them so as to increase their bulk or  
weight and reduce their quality.

**DISPOSITION:** October 25, 1954. Default decree of condemnation and destruction.

**21726. Adulteration of oysters.** U. S. v. 144 Cans, etc. (F. D. C. No. 36971.  
Sample Nos. 88220-L, 88221-L.)

**LIBEL FILED:** September 23, 1954, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about September 21, 1954, by Seacoast Oyster Co.,  
Inc., from Baltimore, Md.

**PRODUCT:** 288 cans of oysters at Birmingham, Ala.

**LABEL, IN PART:** "Oysters Standards [or "Selects"] One Pint Net Fresh Raw  
Oysters \* \* \* MD 51."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substi-  
tuted in part for oysters; and Section 402 (b) (4), water had been added to  
the oysters and mixed and packed with them so as to increase their bulk or  
weight and reduce their quality.

**DISPOSITION:** October 25, 1954. Default decree of condemnation and destruction.

**21727. Adulteration of oysters.** U. S. v. 134 Cans \* \* \*. (F. D. C. No. 36972.  
Sample No. 75295-L.)

**LIBEL FILED:** September 25, 1954, Northern District of New York.

**ALLEGED SHIPMENT:** On or about September 22, 1954, by Seacoast Oyster Co.,  
Inc., from Baltimore, Md.

**PRODUCT:** 134 cans of oysters at Binghamton, N. Y.

**LABEL, IN PART:** "Oysters Standards \* \* \* One Pint Net Pride of Chesapeake  
Bay \* \* \* MD 51."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substi-  
tuted in part for oysters; and, Section 402 (b) (4), water had been added to  
the oysters and mixed and packed with them so as to increase their bulk or  
weight and reduce their quality.

**DISPOSITION:** November 8, 1954. Default decree of condemnation and  
destruction.

**21728. Adulteration of oysters.** U. S. v. 84 Cans \* \* \*. (F. D. C. No. 36970.  
Sample No. 75292-L.)

**LIBEL FILED:** September 24, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 21, 1954, by Seacoast Oyster Co.,  
Inc., from Baltimore, Md.

**PRODUCT:** 84 cans of oysters at Dayton, Ohio.

**LABEL, IN PART:** "Oysters Standards One Pint Net Pride of Chesapeake Bay  
\* \* \* MD 51."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

**DISPOSITION:** October 4, 1954. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

## FRUITS AND VEGETABLES\*

### DRIED FRUIT

**21729. Adulteration of raisins. U. S. v. 500 Cases \* \* \*. (F. D. C. No. 36796.  
Sample No. 80027-L.)**

**LIBEL FILED:** May 18, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 1954, by Peloian Packing Co., Inc., from Dinuba, Calif.

**PRODUCT:** 500 cases of raisins at New York, N. Y.

**LABEL, IN PART:** (Case) "30 Lbs. Net Weight Pel-Pak Brand Choice Golden Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

**DISPOSITION:** July 22, 1954. Peloian Packing Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Department of Health, Education, and Welfare. On October 27, 1954, after it appeared that the reconditioning operations were unsatisfactory, an amended decree was entered, with the consent of the claimant, ordering that the product be destroyed.

### MISCELLANEOUS FRUIT PRODUCTS\*\*

**21730. Adulteration of apple pomace. U. S. v. Speas Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 36654. Sample No. 90125-L.)**

**INFORMATION FILED:** March 31, 1955, Western District of Missouri, against the Speas Co., a corporation, Kansas City, Mo.

**ALLEGED VIOLATION:** Between the approximate dates of November 23, 1953, and May 11, 1954, while a quantity of apple pomace was being held for sale after shipment in interstate commerce, the defendant caused the product to be placed in a building that was accessible to birds and caused it to be exposed to contamination by birds, which acts resulted in the product being adulterated.

\*See also Nos. 21731, 21748, 21749.

\*\*See also Nos. 21748, 21749.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination with bird excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 1, 1955. The defendant having entered a plea of nolo contendere, the court fined it \$250, plus costs.

#### VEGETABLES AND VEGETABLE PRODUCTS\*

**21731. Misbranding of canned peas, canned tuna, and canned pineapple. U. S. v. Max Factor.** Plea of guilty. Defendant fined \$250 and placed on probation for 1 year. (F. D. C. No. 35193. Sample Nos. 73021-L, 73027-L, 73029-L, 73052-L.)

**INFORMATION FILED:** November 6, 1953, Eastern District of Pennsylvania, against Max Factor, Philadelphia, Pa.

**ALLEGED VIOLATION:** Between the approximate dates of June 1, 1952, and March 13, 1953, while a number of cans of peas and pineapple were being held for sale on the business premises of the defendant, after shipment in interstate commerce, the defendant caused the labels to be removed from a number of cans of peas and pineapple and caused a number of different labels to be affixed to such cans, which acts of removing and relabeling resulted in the relabeled peas and pineapple being misbranded.

In addition, on or about March 5 and 13, 1953, the defendant caused a number of cans of peas and tuna to be introduced into interstate commerce, which articles were misbranded.

**LABEL, IN PART:** (Cans of peas prior to relabeling) "Below Standard In Quality And Not High Grade Early June Peas"; (relabelled cans of peas) "Broadcast Brand Wisconsin Early June Peas Packed by Klindt-Geiger Canning Co., Cassville, Wis."; (cans of pineapple prior to relabeling) "Pineapple Tidbits In Heavy Syrup"; (relabelled cans of pineapple) "Climax Brand Sliced Pineapple"; (cans of tuna) "Max Factor Philadelphia, Pa. Distributor Bingo Brand Tuna."

**NATURE OF CHARGE:** Peas. Misbranding, Section 403 (a), the label statement "Packed by Klindt-Geiger Canning Co., Cassville, Wis." appearing on the relabeled cans of peas and on the cans of peas introduced by the defendant into interstate commerce was false and misleading since the peas in such cans were not packed by the Klindt-Geiger Canning Co., Cassville, Wis. Further misbranding, Section 403 (h) (1), the article purported to be and was represented as canned peas of a smooth-skin variety, a food for which a standard of quality had been prescribed by regulations, and the article failed to conform to such standard because of high alcohol-insoluble solids; and the label failed to bear a statement that the article fell below such standard.

Pineapple. Misbranding, Section 403 (a), the statement "Sliced Pineapple" appearing on the relabeled cans was false and misleading since the article was not sliced pineapple but was pineapple tidbits.

Tuna. Misbranding, Section 403 (a), the label statement "Tuna" was false and misleading since the statement represented and suggested that the article was tunafish, whereas the article was not tunafish but was another variety of fish, namely, bonita.

\*See also Nos. 21735, 21748, 21749.

**DISPOSITION:** March 23, 1954. The defendant having entered a plea of guilty, the court fined him \$250 and placed him on probation for 1 year.

**21732. Adulteration of frozen black-eyed peas.** U. S. v. Southern Frozen Foods, Inc., and William H. McKenzie, Jr. Pleas of nolo contendere. Fine of \$375 against each defendant. (F. D. C. No. 36629. Sample Nos. 38988-L, 42692-L, 72483-L, 72484-L, 78649-L.)

**INFORMATION FILED:** November 5, 1954, Middle District of Georgia, against Southern Frozen Foods, Inc., Montezuma, Ga., and William H. McKenzie, Jr., president of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of July 7 and September 17, 1953, from the State of Georgia into the States of California and Kentucky and the District of Columbia.

**LABEL, IN PART:** (Carton) "McKenzie's Frozen Fresh Blackeye Peas Net Wt. 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect-damaged peas.

**DISPOSITION:** December 20, 1954. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$375 against each defendant.

**21733. Adulteration of dried chickpeas.** U. S. v. Louis Cohen. Plea of guilty. Fine, \$100. (F. D. C. No. 36643. Sample Nos. 62491-L, 75475-L.)

**INFORMATION FILED:** December 22, 1954, Southern District of New York, against Louis Cohen, New York, N. Y.

**ALLEGED SHIPMENT:** On or about January 7 and March 29, 1954, from the State of New York into the States of Missouri and Virginia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** January 18, 1955. The defendant having entered a plea of guilty, the court imposed a fine of \$100.

**21734. Adulteration of sweet pickle relish.** U. S. v. Harper & Bateman Pickle Co., Inc., and Judson C. Bateman. Plea of guilty by corporation and plea of nolo contendere by individual. Fine of \$150, plus costs, against corporation; individual placed on probation for 6 months. (F. D. C. No. 36578. Sample No. 84433-L.)

**INFORMATION FILED:** July 21, 1954, District of Maryland, against Harper & Bateman Pickle Co., Inc., Hurlock, Md., and Judson C. Bateman, president of the corporation.

**ALLEGED SHIPMENT:** On or about December 9, 1953, from the State of Maryland into the State of Pennsylvania.

**LABEL, IN PART:** (Jar) "Arthur Brand Sweet Pickle Relish Contents One Gallon Packed for Master Chef Foods Philadelphia, Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of flies (*Drosophila*), insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 15, 1954. The corporation having entered a plea of guilty and the individual having entered a plea of nolo contendere, the court fined the corporation \$150, plus costs, and placed the individual on probation for 6 months.

### TOMATOES AND TOMATO PRODUCTS\*

21735. Misbranding of canned tomatoes and canned peas. U. S. v. Meyer Mittleman (Keystone Pickling Works). Plea of guilty. Fine, \$1,500. (F. D. C. No. 35139. Sample Nos. 66946-L, 66947-L, 67096-L.)

INFORMATION FILED: October 6, 1953, Eastern District of Pennsylvania, against Meyer Mittleman, trading as the Keystone Pickling Works, Philadelphia, Pa.

ALLEGED VIOLATION: Between the approximate dates of January 11, 1952, and January 23, 1953, while a number of cans of tomatoes and peas were being held for sale at the Keystone Pickling Works, after shipment in interstate commerce, the defendant caused the removal of the labels which were borne on the cans when shipped in interstate commerce and caused new labels to be affixed to such cans, which acts of relabeling resulted in the articles being misbranded.

LABEL, IN PART: (On cans when shipped) "River Farm Brand Tomatoes Contents 1 Lb. 3 Oz. Below Standard In Quality Good Food—Not High Grade Packed By James A. Lewis Avalon, Virginia," "Syco Brand Early June Peas Below Standard In Quality Good Food—Not High Grade Albert W. Sisk and Son Distributors Not Manufacturers Preston, Md. and Aberdeen, Md. U. S. A.," and "Reeves Parvin & Co. Phila., Pa. Distributors Morning Glory Sweet Peas Contents 8½ Oz. Avoir. Reeves Parvin & Co. Philadelphia, Pa. Altoona, Pa. Huntingdon, Pa. Allentown, Pa. Williamsport, Pa. Wilmington, Del."; (on relabeled cans) "Net Weight 1 Lb. 3. Oz. Farm Fresh Brand Fancy Hand Packed Tomatoes Trace of Calcium Salt Added Packed By Garden State Canning Co. Hightstown, N. J.," "Net Weight 1 Lb. 3 Oz. Farm Fresh Brand Hand Packed Tomatoes Packed by Garden State Canning Co. Hightstown, N. J.," "Crown of Maryland Tomatoes Contents 1 Lb. 3 Ozs. Distributed—Not Manufactured By Preston Canning Co. Preston, Md. Product of U. S. A.," "Cliff Brand Contents 1 Lb. Wisconsin Early June Peas Size 2 Distributed by Keystone Pickling Works Philadelphia, Pa.," and "Wisconsin Peas Contents 8 Oz. Arlington Canning Company Arlington, Wisconsin Sweet Variety."

NATURE OF CHARGE: Tomatoes. Misbranding, Section 403 (a), the label statement "Packed By Garden State Canning Co. Hightstown, N. J." appearing on a number of the relabeled cans was false and misleading since the article in such relabeled cans was not packed by the Garden State Canning Co., Hightstown, N. J., and the label statement "Fancy Hand Packed Tomatoes" appearing on a number of the relabeled cans was false and misleading since the statement represented and suggested that the article was of fancy quality, whereas it was not of fancy quality but was below standard in quality. Further misbranding, Section 403 (h) (1), the article in the relabeled cans failed to conform to the standard of quality for canned tomatoes because of excessive tomato peel, and the label of the article in the relabeled cans failed to bear a statement that the article fell below such standard.

Peas. Misbranding, Section 403 (a), the label statement "Wisconsin Early June Peas" appearing on a number of the relabeled cans was false and mis-

\*See also No. 21748.

leading since the statement represented and suggested that the article was packed in the State of Wisconsin, whereas it was not packed in the State of Wisconsin; and the label statement "Wisconsin Peas \* \* \* Arlington Canning Company Arlington Wisconsin" appearing on a number of the relabeled cans was false and misleading since the statement represented and suggested that the article was packed in the State of Wisconsin by the Arlington Canning Co., Arlington, Wis., whereas the article was not packed in the State of Wisconsin by such company. Further misbranding, Section 403 (h) (1), a portion of the article failed to conform to the standard of quality for canned peas because the alcohol-insoluble solids of the article were more than 23.5 percent, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** March 23, 1954. The defendant having entered a plea of guilty, the court fined him \$1,500.

**21736. Adulteration of tomato puree. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 34200. Sample No. 3257-L.)**

**LIBEL FILED:** November 5, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 19, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 100 cases, each containing 48 cans, of tomato puree at Columbus, Ohio.

**LABEL, IN PART:** (Can) "Iona Tomato Puree Net Wt. 10½ Ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** June 30, 1953. Lord-Mott Co., Inc., having submitted a letter to the court which was designated as an "answer" to the libel and subsequently having advised that it wished to withdraw from the case, the court entered a default decree of destruction.

**21737. Adulteration of tomato puree. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 34137. Sample No. 3260-L.)**

**LIBEL FILED:** November 17, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about October 30, 1952, by the W. H. Killian Co., from Baltimore, Md.

**PRODUCT:** 50 cases, each containing 48 10½-ounce cans, of tomato puree at Jacksonville, Fla.

**LABEL, IN PART:** (Can) "Iona Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 25, 1953. Lord-Mott Co., Inc., Baltimore, Md., having appeared as claimant and filed an answer and other pleadings, and later, having withdrawn its claim and consented to the entry of a default decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**POULTRY**

**21738. Adulteration of dressed poultry.** U. S. v. Milton Poultry Co., Inc., and Earl N. Herholdt. Pleas of guilty. Fine of \$600 against corporation; imposition of sentence against individual suspended and individual placed on probation for 1 year. (F. D. C. No. 36573. Sample Nos. 51941-L, 66853-L, 73579-L.)

**INFORMATION FILED:** On or about July 12, 1954, District of Delaware, against Milton Poultry Co., Inc., Milton, Del., and Earl N. Herholdt, vice president of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of November 13, 1952, and January 22, 1954, from the State of Delaware into the States of Pennsylvania and New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of poultry contaminated with fecal matter and dirt, and it was otherwise unfit for food by reason of the presence of bruised poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

**DISPOSITION:** October 29, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$600, suspended the imposition of sentence against the individual, and placed the individual on probation for 1 year.

**21739. Adulteration of dressed poultry.** U. S. v. 23 Crates \* \* \*. (F. D. C. No. 36913. Sample No. 68040-L.)

**LIBEL FILED:** August 4, 1954, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 2, 1954, by the Bush & Stokes Co., from Birmingham, Ala.

**PRODUCT:** 23 crates, containing a total of 1,067 pounds, of dressed poultry at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with crop material, feathers, and other foreign material.

**DISPOSITION:** October 15, 1954. The Bush & Stokes Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning at Birmingham, Ala., under the supervision of the Department of Health, Education, and Welfare. Nineteen crates of the product were erroneously destroyed, and the remaining 4 crates were reconditioned by a thorough cleaning and removal of the unfit portions.

**VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**21740. Adulteration and misbranding of vitamin capsules.** U. S. v. 1 Carton, etc. (F. D. C. No. 37066. Sample Nos. 88583-L, 88586-L to 88588-L, incl.)

**LIBEL FILED:** August 27, 1954, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about March 10 and December 1, 1952, and January 19, 1953, from Detroit, Mich.

**PRODUCT:** 1 carton containing approximately 3,900 multivitamin capsules; 20 250-capsule bottles and 17 100-capsule bottles of Tolco Thera-B B-Complex capsules; and 4 cartons containing approximately 14,800 vitamin and mineral capsules at Sioux City, Iowa.

Analysis showed that the article (in cartons) contained less than the declared amount of vitamin D and that the article (in bottles) contained less than the declared amount of vitamin B<sub>1</sub>.

**LABEL, IN PART:** (Cartons) "Ingredients in each capsule: \* \* \* Vitamin D \* \* \* 1,000 U. S. P. Units"; (bottles) "Vitamin B<sub>1</sub> \* \* \* 5 Mg."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin D (in cartons) and vitamin B<sub>1</sub> (in bottles), had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements (cartons) "Ingredients in each capsule: \* \* \* Vitamin D \* \* \* 1,000 U. S. P. Units" and (bottles) "Vitamin B<sub>1</sub> \* \* \* 5 Mg." were false and misleading as applied to products which contained less than the declared amounts of vitamin D (cartons) and vitamin B<sub>1</sub> (bottles).

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 27, 1954. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

**21741. Adulteration and misbranding of vitamin capsules. U. S. v. 83,500 Capsules \* \* \*. (F. D. C. No. 36501. Sample No. 89059-L.)**

**LIBEL FILED:** April 14, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 21, 1951, from Worcester, Mass.

**PRODUCT:** 83,500 vitamin capsules at New York, N. Y. Analysis showed that the product contained 42 percent of the declared amount of vitamin B<sub>1</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Emulsicap Contains Vitamins: \* \* \* B<sub>1</sub> (Thiamine HCl) 1 MDR 1 mg." was false and misleading as applied to an article which contained less than the stated amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 26, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

**21742. Adulteration and misbranding of Caftimal vitamin tablets. U. S. v. 934 Bottles \* \* \*. (F. D. C. No. 36555. Sample No. 49662-L.)**

**LIBEL FILED:** May 6, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 10, 1954, by Morse Laboratories, from Hoboken, N. J.

**PRODUCT:** 934 50-tablet bottles of Caftimal vitamin tablets at Staten Island, N. Y. Analysis showed that the product contained no vitamin B<sub>1</sub> (thiamine hydrochloride) and less than 50 percent of the declared amount of vitamin A.

**LABEL, IN PART:** (Bottle) "50 Tablets Caftimal \* \* \* High Potency Multi Vitamin Formula Each tablet contains:—Vitamin A 10,000 USP Units Vitamin D 1,000 USP Units Thiamine Hydrochloride 6 mgm. Riboflavin 4 mgm. Ascorbic Acid 100 mgm. Calcium Pantothenate 5 mgm. Pyridoxine Hydrochloride 0.5 mgm. Vit. E (Mixed Tocopherols) 1 mgm. Folic Acid 0.25 mgm. Vitamin B-12 from Streptomyces Fermentation Extractives 3 microgram."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin A and vitamin B<sub>1</sub>, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each tablet contains:—Vitamin A 10,000 USP Units \* \* \* Thiamine Hydrochloride 6 mgm." was false and misleading as applied to the article, which contained, per tablet, less than 10,000 U. S. P. units of vitamin A and less than 6 milligrams of thiamine hydrochloride. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B<sub>1</sub> (thiamine hydrochloride), vitamin C (ascorbic acid), vitamin D, and riboflavin supplied by the article when consumed in a specified quantity during a period of 1 day; and, since the need for calcium pantothenate and vitamin E in human nutrition has not been established, the label of the article failed also to bear, as required by regulations, the statement "The need for calcium pantothenate and vitamin E in human nutrition has not been established."

**DISPOSITION:** June 16, 1954. Default decree of condemnation and destruction.

**21743. Adulteration and misbranding of Orvita and Thyavals capsules and tablets. U. S. v. 59 Bottles, etc. (F. D. C. No. 37063. Sample Nos. 56266-L to 56268-L, incl.)**

**LABEL FILED:** August 24, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 13 and September 28, 1951, from Los Angeles, Calif.

**PRODUCT:** 33 16-ounce bottles and 26 8-ounce bottles of Orvita, 48 90-capsule bottles and 38 45-capsule bottles of Thyavals B complex capsules, and 12 75-tablet bottles and 36 30-tablet bottles of Thyavals multivitamin Formula 621 tablets, at Cincinnati, Ohio.

Examination showed that the Orvita contained substantially less than the declared amount of vitamin D and that the Thyavals tablets and capsules contained substantially less than the declared amounts of vitamin B<sub>1</sub>, vitamin B<sub>6</sub>, vitamin C, and niacinamide.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, (Orvita) vitamin D and (Thyavals) vitamin B<sub>1</sub>, vitamin B<sub>6</sub>, vitamin C, and niacinamide, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements: (Orvita) "3 teaspoonsful contains: \* \* \* Vitamin D—(Fish Liver Oil) 400 U. S. P. Units," (Thyavals) "Each capsule \* \* \* Fortified With Vitamin B-1 \* \* \* 15,000 Mcg. (15 Mg.) \* \* \* Vitamin B-6 \* \* \* 125 Mcg. (0.125 Mg.) Vitamin C \* \* \* 1,000 USP Units (50 Mg.) \* \* \* Niacinamide 10,000 Mcg. (10 Mg.)," and (Thyavals) "One Red Thyaval Tablet Formula 621 provides: \* \* \* Vitamin B-1 \* \* \* 10 Mg. \* \* \* Vitamin B-6 \* \* \* 0.25 Mg. Vitamin C \* \* \* 75 Mg. \* \* \* Niacinamide 10 Mg." were false and misleading as applied to products which

contained less than the declared amounts of (Orvita) vitamin D and (Thyavals) vitamin B<sub>1</sub>, vitamin B<sub>6</sub>, vitamin C, and niacinamide.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1954. Default decree of condemnation and destruction.

**21744. Adulteration and misbranding of Fastabs tablets. U. S. v. 647 Boxes**

\* \* \*. (F. D. C. No. 37029. Sample No. 80873-L.)

**LIBLE FILED:** August 3, 1954, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 10, 1953, from Baltimore, Md.

**PRODUCT:** 647 147-tablet boxes of Fastabs tablets at Boston, Mass. Analysis showed that the product contained 50 percent of the declared amount of vitamin D.

**LABEL, IN PART:** "147 Tablets Fastabs The Vitamin, Mineral, Protein Supplement For Reducing Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units \* \* \* In addition 50 Mgs. of Calcium and 38 Mgs. of Phosphorus (from Dicalcium Phosphate) \* \* \* Dietary Supplement."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article. Misbranding, Section 403 (a), the label statement, namely, "Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units," was false and misleading as applied to the article, which contained less than the stated amount of vitamin D. The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus supplied by the article when consumed in a specified quantity during a period of one day. The article was misbranded in the above respect when introduced into and while in interstate commerce.

**DISPOSITION:** October 18, 1954. Default decree of condemnation and destruction.

**21745. Adulteration and misbranding of Fastabs tablets. U. S. v. 121 Boxes**

\* \* \*. (F. D. C. No. 37027. Sample No. 87833-L.)

**LIBLE FILED:** August 19, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 30 and October 21, 1953, from Baltimore, Md.

**PRODUCT:** 121 147-tablet boxes of Fastabs tablets at Philadelphia, Pa. Analysis showed that the product contained 50 percent of the declared amount of vitamin D.

**LABEL, IN PART:** "147 Tablets Fastabs The Vitamin, Mineral, Protein Supplement For Reducing Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units \* \* \* In addition 50 Mgs. of Calcium and 38 Mgs. of Phosphorus (from Dicalcium Phosphate) \* \* \* Dietary Supplement."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement, namely, "Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units," was false and misleading as applied to the article, which contained less than the stated amount of vitamin D. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus supplied by the article when consumed in a specified quantity during a period of one day.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: September 29, 1954. Default decree of condemnation and destruction.

**21746. Misbranding of organic mineral salt. U. S. v. 6 Cases, etc. (F. D. C. No. 36115. Sample No. 54264-L.)**

LIBEL FILED: November 12, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 20, 1953, by Dr. E. H. Bronner & Associates, from Los Angeles, Calif.

PRODUCT: 6 cases, each containing 24 6-ounce bottles, and 1 case, containing 24 12½-ounce bottles, of organic mineral salt at Detroit, Mich.

LABEL, IN PART: (Bottle) "Dr. Bronner's Organic-Mineral-Salt A Health Food Rich In Organically Grown Selected Vegetables, Minerals, Trace Elements, Iodine & Potash Contains dehydrated, uncooked, fine Alfalfa, Dulse, Okra, Vegetable-Seasoning, Wheat Germ, Soya, Parsley & over 6% of the 100% edible, 100% tooth-&-bone-building-Hereford-Texas-type Organic-Calcium-Phosphorus-Magnesium-Fluoride activated with high grade Brewers Yeast, Chlorophyll & Lecithin rich in all natural minerals & B-Complex Vitamins; Thiamin, Riboflavin, Niacin, B-12, Protein, Iron & Iodine."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear such information concerning its calcium, phosphorous, magnesium, iron, iodine, fluorine, thiamine, riboflavin, niacin, and vitamin B<sub>12</sub> content as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses since its label failed to state the proportion of each of such vitamins and minerals contained in the article when consumed in a specified quantity during a period of one day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4375.

DISPOSITION: January 20, 1954. Default decree of condemnation and destruction.

**21747. Adulteration and misbranding of Min-Vita Pre-Mix and Pork-Maker Pre-Mix. U. S. v. 50 Bags, etc. (F. D. C. No. 37073. Sample Nos. 89516-L, 89517-L.)**

LIBEL FILED: August 27, 1954, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 6, 1954, by McConnon & Co., from Winona, Minn.

PRODUCT: 50 50-pound bags of Min-Vita Pre-Mix for poultry and 75 50-pound bags of Pork-Maker Pre-Mix at West Union, Iowa.

LABEL, IN PART: "McConnon Double Concentrated Min-Vita Pre-Mix For Poultry Guaranteed Analysis \* \* \* Niacin 320 mg. per pound" and "McConnon Double Concentrated Pork-Maker Pre-Mix Guaranteed Analysis \* \* \* Niacin 96 mg. per pound."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacin, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements "Guaranteed Analysis \* \* \* Niacin 320 mg. per pound" (Min-Vita Pre-Mix) and "Guaranteed Analysis \* \* \* Niacin 96 mg. per pound" (Pork-Maker Pre-Mix) were false and misleading as applied to the articles, which contained less than the stated amounts of niacin.

DISPOSITION: October 8, 1954. McConnon & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the articles be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. The articles were brought into compliance with the law by the addition of niacin to bring their vitamin content up to the label declaration.

## MISCELLANEOUS FOODS

21748. Adulteration and misbranding of miscellaneous foods. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 36496. Sample Nos. 80452-L, 80453-L.)

LIBEL FILED: April 13, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From various sources outside the State of Pennsylvania, prior to November 1951.

PRODUCT: 300 cases, each containing 24 or 48 cans, of apricot nectar, diced carrots, fruit cocktail, whole kernel corn, sweet corn, sweet peas, sardines, pineapple tidbits, tomatoes, and mixed vegetables at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The products were involved in two fires at a Philadelphia, Pa., warehouse in 1951 and had been sold to Morris Factor of Philadelphia as salvage goods, who, in turn, resold the products.

Examination showed that many cans were rusted, pinholed, and had no labels or illegible labels, and that the contents of many of the cans were decomposed or otherwise unfit for food.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances and were otherwise unfit for food.

Misbranding, Section 403 (e) (1) and (2), Section 403 (g) (2), and Section 403 (i) (1) and (2), the articles failed to bear proper labels as required by such sections.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Morris Factor, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions and for relabeling of the portions which were only misbranded, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 229 cases of the

products were found unfit and were destroyed and 71 cases were found to be good and were released.

**21749. Adulteration and misbranding of miscellaneous foods. U. S. v. 10,000 Cases \* \* \*. (F. D. C. No. 36507. Sample No. 80454-L.)**

**LIBEL FILED:** April 13, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** From various sources outside the State of Pennsylvania, prior to November 1951.

**PRODUCT:** 10,000 cases, more or less, each containing a number of packages of foods, including canned applesauce, fruit cocktail, sweet corn, pineapple tidbits, sweetpotatoes, jack mackerel, sardines and tomato sauce, and a number of 1-pound boxes of red kidney beans and green split peas at Philadelphia, Pa.

**RESULTS OF INVESTIGATION:** The products were involved in two fires at a Philadelphia, Pa., warehouse in 1951, and had been sold to Morris Factor of Philadelphia as salvage goods.

Examination showed that many cans were rusted, pinholed, and had no labels or illegible labels, and that the contents of many of the cans were decomposed or otherwise unfit for food. The dried beans and split peas were insect-infested, and the split peas were also moldy.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances and filthy substances, and were otherwise unfit for food.

Misbranding, Section 403 (e) (1) and (2), Section 403 (g) (2), and Section 403 (i) (1) and (2), the articles, except for the dried beans and split peas, failed to bear proper labels as required by such sections.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 6, 1954. Morris Factor, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions and for relabeling of the portions which were only misbranded, under the supervision of the Department of Health, Education, and Welfare. 6,343 cases of the products which actually were seized were examined, and 5,857 cases were found unfit and were destroyed; 486 cases were found to be good and were released.

**21750. Misbranding of Spudsaver-X. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 36281. Sample No. 65508-L.)**

**LIBEL FILED:** January 8, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 7, 1953, by the Pittsburgh Chemical Laboratory, from Pittsburgh, Pa.

**PRODUCT:** Four cases, each containing 12 jars, of Spudsaver-X at Minneapolis, Minn. Examination showed that the product contained a substantial amount of sodium bisulfite.

**LABEL, IN PART:** (Jar) "Spudsaver-X Crystalline—Anti-Oxident \* \* \* Net Contents—One Pound."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

**DISPOSITION:** March 8, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

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<sup>1</sup> (21710) Prosecution contested.

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# THE FEDERAL REGISTER



Washington, Tuesday, February 10, 1953

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16-3444-1

**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21751-21800

**FOODS**

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., September 22, 1955.

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## BEVERAGES AND BEVERAGE MATERIALS

21751. Adulteration of coffee. U. S. v. Andrew's Coffee Co., Inc., and Andrew G. Sotero. Pleas of guilty. Fine of \$2,500 against corporation and \$1,500 against individual. (F. D. C. No. 36657. Sample Nos. 52900-L, 75472-L, 84174-L.)

INFORMATION FILED: December 13, 1954, Southern District of New York, against Andrew's Coffee Co., Inc., New York, N. Y., and Andrew G. Sotero, president of the corporation.

ALLEGED SHIPMENT: On or about January 14, February 1, and April 7, 1954, from the State of New York into the States of Pennsylvania, Virginia, and New Jersey.

LABEL, IN PART: (Bag) "Andrew's Superior Quality Coffee Weight One Pound 'The Talk of the Town'"; (can) "Vacuum Packed—Drip Grind Andrew's Superior Quality Coffee" and "Andrew's Superior Quality American Roast Coffee Net Wt. 1 lb. Vacuum Packed."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the article consisted in part of chickpeas.

DISPOSITION: January 31, 1955. The defendants having entered pleas of guilty, the court fined the corporation \$2,500 and the individual \$1,500.

21752. Adulteration of coffee. U. S. v. 23 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 36553, 36567, 36790. Sample Nos. 75472-L to 75474-L, incl., 75557-L.)

LABEL FILED: May 11 and 13, 1954, Eastern District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of September 16, 1953, and February 23, 1954, by Andrew's Coffee Co., Inc., from New York, N. Y.

PRODUCT: 23 cases, 10 cases, and 93 cases, each case containing 12 cans, of coffee at Norfolk, Va. A net weight of 3 pounds was declared on the labels of the cans.

LABEL, IN PART: (Can) "Vacuum Packed \* \* \* Coffee Carefully Selected, Blended And Packed," "Vacuum Packed—Drip Grind Andrew's Superior Quality Coffee," and "Vacuum Packed Andrew's Superior Quality Coffee."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (23 cases and 93 cases) the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; Section 402 (b) (2), (all lots) a mixture of coffee and chickpeas had been substituted in whole or in part for coffee; and, Section 402 (b) (4), (all lots) chickpeas had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), (10 cases and 93 cases) the label statement "Superior Quality Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas; and, Section 403 (e) (2), (23 cases) the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short weight).

DISPOSITION: September 10, 1954. Default decree of condemnation and destruction.

**21753. Adulteration and misbranding of coffee.** U. S. v. 110 Cans \* \* \*.  
(F. D. C. No. 36568. Sample No. 75476-L.)

**LIBLE FILED:** May 11, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about October 27, 1953, by Andrew's Coffee Co., Inc., from New York, N. Y.

**PRODUCT:** 110 1-pound cans of coffee at Norfolk, Va.

**LABEL, IN PART:** (Can) "Regular Grind Andrew's Superior Quality American Roast Coffee Net Wt. 1 Pound Vacuum Packed."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; Section 402 (b) (2), a mixture of coffee and chickpeas had been substituted in whole or in part for coffee, which the article was represented to be; and, Section 402 (b) (4), chickpeas had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (a), the label statement "Superior Quality \* \* \* Coffee" was false and misleading as applied to a mixture of ground roasted coffee and chickpeas.

**DISPOSITION:** July 22, 1954. Default decree of condemnation and destruction.

## CANDY

**21754. Adulteration of candy, shelled peanuts, and powdered buttermilk.** U. S. v. Blumenthal Bros. Chocolate Co. Plea of nolo contendere. Fine, \$1,600.  
(F. D. C. No. 36604. Sample Nos. 48165-L, 48166-L, 67381-L, 67384-L, 67385-L, 84440-L, 84453-L, 84454-L.)

**INFORMATION FILED:** February 1, 1955, Eastern District of Pennsylvania, against the Blumenthal Bros. Chocolate Co., a corporation, Philadelphia, Pa.

**ALLEGED VIOLATION:** Between the approximate dates of November 7, 1952, and January 8, 1954, while a quantity of shelled peanuts was being held for sale after shipment in interstate commerce, and between the approximate dates of May 19, 1953, and January 8, 1954, while a quantity of powdered buttermilk was being held for sale after shipment in interstate commerce, the defendant caused a number of bags of such products to be placed in a building that was accessible to rodents and caused such products to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

On or about September 10, November 20, and December 1, 1953, and January 4, 1954, the defendant caused a number of boxes of candy, which was adulterated, to be introduced and delivered for introduction into interstate commerce.

**LABEL, IN PART:** (Box) "Milk Chocolate Covered Raisinets Net Wt. 1 Oz.," "Pure Chocolate Coated Malted Milk Balls Net Wt.  $\frac{7}{8}$  Oz.," "Buddy Bar 120 Count 1c," "Malties Net Wt. 6 Oz. Chocolate Malted Milk Balls," and "Sno-Caps Net Wt. 7 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, rodent excreta, and rodent urine; and, Section 402 (a) (4), the shelled peanuts and powdered buttermilk had been held, and the candy had been prepared and packed, under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 14, 1955. The defendant having entered a plea of nolo contendere, the court fined it \$1,600.

**21755. Adulteration of candy. U. S. v. 29 Cases \* \* \*. (F. D. C. No. 37504. Sample No. 12809-M.)**

LIBEL FILED: On or about December 10, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1954, by J. Schwartz & Sons, from Philadelphia, Pa.

PRODUCT: 29 cases, each containing 12 boxes, of candy at Camden, N. J.

LABEL, IN PART: (Box) "Victorian Peppermint Patties Chocolate Covered Net Wt. 1 Lb. Manufactured By Victorian Candy Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent hairs, wood fragments, and straw fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 14, 1955. Default decree of condemnation and destruction.

**21756. Adulteration of candy. U. S. v. 3 Cases, etc. (F. D. C. No. 37510. Sample No. 12811-M.)**

LIBEL FILED: On or about December 10, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1954, by J. Schwartz & Sons, from Philadelphia, Pa.

PRODUCT: Candy. 3 cases, each containing 48 12-count cartons, 2 cases, each containing 12 12-count cartons, 5 cases, each containing 24 12-count cartons, and 4 cases, each containing 36 6-count cartons, at Camden, N. J.

LABEL, IN PART: (Carton) "Victorian Candy Canes \* \* \* Manufactured By Victorian Candy Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of textile fiber and wood fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1955. Default decree of condemnation and destruction.

**21757. Adulteration of candy. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 37331. Sample No. 77912-L.)**

LIBEL FILED: On or about October 28, 1954, District of Maryland.

ALLEGED SHIPMENT: On or about September 20, 1954, by the Pitt Chocolate Co., from Wilkinsburg, Pa.

PRODUCT: 9 cases, each containing 24 8-ounce packages, of candy at Hagerstown, Md.

LABEL, IN PART: (Package) "Pitt Finest Coconut Bon Bons."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been pre-

pared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 18, 1954. Default decree of condemnation and destruction.

**21758. Adulteration of Cracker Jack.** U. S. v. 27 Cases \* \* \*. (F. D. C. No. 36348. Sample No. 82209-L.)

**LABEL FILED:** March 10, 1954, Eastern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about May 1, 1951, from Chicago, Ill.

**PRODUCT:** 27 cases, each containing 100 1½-ounce packages, of Cracker Jack at McAlester, Okla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 14, 1954. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**21759. Adulteration of flour.** U. S. v. Raton Flour Mills Co. Plea of guilty. Fine, \$300. (F. D. C. No. 37235. Sample Nos. 85575-L, 85576-L, 85579-L.)

**INFORMATION FILED:** February 23, 1955, District of New Mexico, against the Raton Flour Mills Co., a partnership, Raton, N. Mex.

**ALLEGED SHIPMENT:** On or about August 7 and 12, 1954, from the State of New Mexico into the State of Arizona.

**LABEL, IN PART:** (Bags) "Big Chief Raton Flour Mills Raton, New Mex." "Pioneer Flour M'F'D By Raton Flour Mills Co. Raton, N. M." and "Light Roll Highest Patent Flour M'F'D By Raton Flour Mills Co. Raton, N. M."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 19, 1955. The defendant having entered a plea of guilty, the court fined it \$300.

## MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21760. Adulteration of unpopped popcorn.** U. S. v. 14 Cases, etc. (F. D. C. No 37402. Sample Nos. 86369-L, 86370-L.)

**LABEL FILED:** November 5, 1954, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 13 and September 17, 1954, by Hart & Howell Co., Inc., from Brooklyn, Mich.

**PRODUCT:** 14 cases, each containing 24 1-pound bags, and 15 cases, each containing 24 10-ounce tins, of unpopped popcorn at Toledo, Ohio.

**LABEL, IN PART:** (Bags) "H and H Hybrid White Hullless Corn Sure Pop"; (tins) "Corn Sure Pop Hybrid White Pop Corn \* \* \* H and H."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, in-

sect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 14, 1954. Default decree of condemnation and destruction.

**21761. Adulteration of rice.** U. S. v. 79 Bags \* \* \*. (F. D. C. No. 37090. Sample No. 60310-L.)

LIBEL FILED: September 9, 1954, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 9, 1954, from Stuttgart, Ark.

PRODUCT: 79 100-pound bags of rice at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 23, 1954. Chitty & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for recleaning and reprocessing under the supervision of the Department of Health, Education, and Welfare. The product was satisfactorily reprocessed.

**21762. Adulteration of wheat.** U. S. v. 35,650 Pounds \* \* \*. (F. D. C. No. 36940. Sample No. 85403-L.)

LIBEL FILED: September 3, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about August 4, 1954, by the Donnybrook Farmers Union Elevator Co., from Donnybrook, N. Dak.

PRODUCT: 35,650 pounds of bulk wheat at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: September 17, 1954. The Farmers Union Grain Terminal Assn., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by cleaning and scouring under the supervision of the Department of Health, Education, and Welfare. As a result of the reprocessing operations, 4,460 pounds of the product were found unfit and were destroyed.

**21763. Adulteration of prepared mixes.** U. S. v. 50 Cases, etc. (F. D. C. No. 36001. Sample No. 79492-L.)

LIBEL FILED: December 1, 1953, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 2 and 9, 1953, from Omaha, Nebr.

PRODUCT: 50 cases, each containing 12 1-pound, 2-ounce boxes, of buttermilk pancake mix, and 25 cases, each containing 12 1-pound, 3-ounce boxes, of spice cake mix at Cleveland, Ohio.

**RESULTS OF INVESTIGATION:** While in transit, two cases of a pine oil compound broke and spilled their contents on the mixes. Examination showed that the mixes were contaminated with pine oil.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of contamination with pine oil.

**DISPOSITION:** The Cleveland, Columbus, and Cincinnati Highway, Inc., appeared as claimant and filed an answer denying knowledge of the interstate shipment of the articles and admitting that pine oil came in contact with a portion of the articles. Requests for admissions were thereafter submitted by the Government and were answered by the claimant. The Government then filed a motion for summary judgment, to which the claimant filed an answer admitting that the products were manufactured in Omaha, Nebr., and alleging that the products were not contaminated on their journey from Nebraska to Ohio but rather on a subsequent journey from Cleveland to Youngstown, Ohio. On September 15, 1954, the court handed down the following decision in denial of the motion:

JONES, *District Judge*: "The Government moves the court for an order granting its motion for summary judgment.

"This libel was filed pursuant to the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.) wherein the Government prays that the articles of food involved be seized and condemned as adulterated and unfit for human consumption.

"Upon review of the pleadings and admissions on file, together with the affidavits, it appears that neither party has conclusively answered the crucial question: was the shipment from Cleveland to Youngstown in interstate commerce? And since the answer to this question depends in part on fact, which is beyond the knowledge of the court, the court must decline to supply that answer at this time by this method.

"Thus, the Government having failed to satisfy the requirements of Rule 56, Federal Rules of Civil Procedure, its request for summary judgment will be denied."

On November 18, 1954, an amended libel was filed with leave of court, charging that the products were adulterated while held for sale after shipment in interstate commerce; and, thereafter, the Government, with leave of court, refiled its motion for summary judgment. On February 28, 1955, the court granted the Government's motion for summary judgment on the ground that the defect indicated by the court's decision on September 15, 1954, had been cured and that there were no genuine issues of law or fact. On March 10, 1955, judgment of condemnation was entered and the court ordered that the products be destroyed.

## DAIRY PRODUCTS

### BUTTER

**21764. Adulteration of butter. U. S. v. Adrian Co-operative Creamery. Plea of guilty. Defendant fined \$500 and placed on probation for 3 years. (F. D. C. No. 35784. Sample Nos. 19716-L, 65178-L, 66069-L.)**

**INFORMATION FILED:** February 1, 1954, District of Minnesota, against the Adrian Co-operative Creamery, Adrian, Minn.

**ALLEGED SHIPMENT:** Between the approximate dates of September 24, 1952, and September 3, 1953, from the State of Minnesota into the States of Illinois, Iowa, and Nebraska.

LABEL, IN PART: "Creamery Butter Distributed by Fairmont Foods Company \* \* \* Omaha, Nebr. 66 Lbs. Net" and "Creamery Butter Fox DeLuxe Foods, Inc. Chicago, Ill. Net Wt. 64 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, manure fragments, and rodent hair fragments, and by reason of the use of filthy cream in the preparation of the article.

DISPOSITION: June 1, 1954. The defendant having entered a plea of guilty, the court fined it \$500 and placed it on probation for 3 years.

**21765. Adulteration of butter. U. S. v. Mountain States Creamery Co. of Colorado and O. L. Mortensen. Pleas of guilty. Fine of \$800 against corporation and \$200 against individual. (F. D. C. No. 35790. Sample Nos. 14736-L to 14738-L, incl., 74262-L.)**

INFORMATION FILED: March 2, 1954, District of Colorado, against the Mountain States Creamery Co. of Colorado and O. L. Mortensen, secretary and treasurer of the corporation, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of August 25 and September 6, 1953, from the State of Colorado into the States of California and Wyoming.

LABEL, IN PART: "Mountain States Creamery Co. of Colorado" and "Butter Patties First Quality \* \* \* Mountain States Distributing Co., Denver, Colorado."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly setae, other insect fragments, and rodent hair fragments, and by reason of the use of filth-contaminated cream in the preparation of the article.

DISPOSITION: July 28, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$800 and the individual \$200.

**21766. Adulteration of butter and misbranding of a pasteurized process cheese food. U. S. v. Merchants Creamery Co. and Edwin A. Bischoff. Pleas of guilty. Fine of \$3,000 against corporation and \$6,500 against individual. (F. D. C. No. 35809. Sample Nos. 51766-L, 54215-L, 57150-L, 57154-L, 57155-L, 70846-L, 72362-L.)**

INFORMATION FILED: June 18, 1954, Southern District of Ohio, against the Merchants Creamery Co., a corporation, Cincinnati, Ohio, and Edwin A. Bischoff, president and treasurer of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of December 11, 1952, and September 30, 1953, from the State of Ohio into the States of New York, Michigan, Indiana, and West Virginia.

LABEL, IN PART: (Butter) "Springfield Brand \* \* \* Creamery Butter Manufactured By The Merchants Creamery Co. Cincinnati, Ohio" and "Rose Brand Creamery Butter \* \* \* The Merchants Creamery Company Cincinnati, Ohio"; (cheese food) "Roselawn \* \* \* American Cheese Food Manufactured By Merchants Creamery Co., Cincinnati, Ohio."

NATURE OF CHARGE: Butter. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by the reason of the presence of ants, fly fragments, other insect fragments, and rodent hair fragments; Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1),

a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Pasteurized process cheese food. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for pasteurized process cheese food since it contained more than 44 percent of moisture and its solids contained less than 23 percent of milk fat.

**DISPOSITION:** June 18, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$3,000 and the individual \$6,500.

**21767. Adulteration of butter. U. S. v. 26 Boxes (1,664 pounds) \* \* \*. (F. D. C. No. 35902. Sample No. 66117-L.)**

**LABEL FILED:** August 3, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 14, 1954, various quantities of cream were shipped into the State of Illinois by individual shippers in the States of Missouri, Kentucky, Arkansas, and Indiana.

**PRODUCT:** 26 64-pound boxes of butter at Chicago, Ill.

**RESULTS OF INVESTIGATION:** The cream, which examination revealed to be decomposed, was converted into butter by the Western United Dairy Co., Chicago, Ill., after shipment in interstate commerce.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its having been prepared from decomposed cream.

**DISPOSITION:** October 11, 1954. Default decree of condemnation and destruction.

### CHEESE\*

**21768. Adulteration of cheddar cheese. U. S. v. National Cheese Co. Plea of nolo contendere. Fine of \$2,000, plus costs. (F. D. C. No. 35798. Sample Nos. 55173-L, 55174-L.)**

**INFORMATION FILED:** May 17, 1954, Northern District of Illinois, against the National Cheese Co., Chicago, Ill.

**ALLEGED SHIPMENT:** Between the approximate dates of August 19 and September 1, 1953, from the State of Illinois into the State of Wisconsin.

**LABEL, IN PART:** "Illinois Cheddar Cheese Made From Pasteurized Milk Approved Plant #581."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the use of filth-contaminated milk in the preparation of the article; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 17, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$2,000, plus costs.

**21769. Adulteration of parmesan cheese. U. S. v. 3 Cases \* \* \*. (F. D. C. No. 36477. Sample No. 50428-L.)**

**LABEL FILED:** April 5, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 12, 1954, by the Frigo Bros. Cheese Corp., from Lena, Wis.

\*See also No. 21766.

**PRODUCT:** 3 cases of parmesan cheese at New York, N. Y.

**LABEL, IN PART:** (Case) "Frigo Cheese Parmesan."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, lead, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

**DISPOSITION:** June 15, 1954. The shipper of the product having filed a claim and later withdrawn the claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

### MISCELLANEOUS DAIRY PRODUCTS\*

**21770. Adulteration of nonfat dry milk solids.** U. S. v. Central Farm Products Co. Plea of guilty. Fine of \$3,000, plus costs. (F. D. C. No. 35761. Sample Nos. 2582-L, 63015-L.)

**INDICTMENT RETURNED:** July 28, 1954, Southern District of Iowa, against the Central Farm Products Co., Allerton, Iowa.

**ALLEGED SHIPMENT:** Between the approximate dates of April 14 and June 26, 1953, from the State of Iowa into the States of Missouri and Florida.

**LABEL, IN PART:** "Net Weight—100 Lbs. Solo Brand \* \* \* Non Fat Dry Milk Solids Manufactured By Central Farm Products Co. Allerton, Iowa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product made from neutralized sour skim milk had been substituted for nonfat dry milk solids.

**DISPOSITION:** September 27, 1954. The defendant having entered a plea of guilty, the court fined it \$3,000, plus costs.

### EGGS

**21771. Adulteration of frozen eggs.** U. S. v. 77 Unlabeled Cans \* \* \*. (F. D. C. No. 37376. Sample No. 5663-M.)

**LABEL FILED:** December 1, 1954, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 30, 1954, by the Sinclair Produce Co., from Glasgow, Mont.

**PRODUCT:** 77 unlabeled 30-pound cans of frozen eggs at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** February 16, 1955. Default decree of condemnation and destruction.

### FEEDS AND GRAINS

**21772. Misbranding of cottonseed pellets.** U. S. v. Tindall Cotton Oil Corp. Plea of guilty. Fine, \$750. (F. D. C. No. 36602. Sample No. 736-L.)

**INFORMATION FILED:** January 14, 1955, Northern District of Texas, against the Tindall Cotton Oil Corp., Twitty, Tex.

**ALLEGED SHIPMENT:** On or about January 18, 1954, from the State of Texas into the State of Kansas.

**LABEL, IN PART:** (Bag) "100 Pounds (Net) Tiger Brand 41% Protein Cottonseed Pellets."

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\*See also No. 21754.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the name "Tiger Brand 41% Protein Cottonseed Pellets" and the statements "Crude Protein not less than 41.00 Percent" and "Crude Fiber not more than 12.00 Percent" displayed upon the label of the article were false and misleading since the article contained less than 41 percent of protein and more than 12 percent of crude fiber and contained cottonseed hulls in addition to cottonseed meal.

**DISPOSITION:** March 1, 1955. The defendant having entered a plea of guilty, the court fined it \$750.

**21773. Adulteration and misbranding of poultry feed. U. S. v. 120 Bags \* \* \*. (F. D. C. No. 36778. Sample No. 81970-L.)**

**LIBLE FILED:** July 7, 1954, District of Nebraska.

**ALLEGED SHIPMENT:** Between the approximate dates of January 13 and February 2, 1954, by Swift & Co., from Des Moines, Iowa.

**PRODUCT:** 120 bags of poultry feed at Omaha, Nebr. Analysis showed that the product contained 19.7 percent crude protein.

**LABEL, IN PART:** "50 Pounds Net Swift's Pow-R-Pac Poultry Breeder Guaranteed Analysis Crude Protein, 22.00%."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing less than 22 percent crude protein had been substituted in whole or in part for poultry feed containing not less than 22 percent crude protein, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Guaranteed Analysis Crude Protein (Min.) 22.00%" was false and misleading.

**DISPOSITION:** August 10, 1954. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

## FISH AND SHELLFISH

**21774. Adulteration and misbranding of frozen haddock fillets. U. S. v. 734 Cartons \* \* \*. (F. D. C. No. 36088. Sample No. 73911-L.)**

**LIBLE FILED:** November 2, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 11, 1953, by the Atlantic Coast Fisheries Co., from Boston, Mass.

**PRODUCT:** 734 cartons, each containing 24 packages, of frozen haddock fillets at Philadelphia, Pa.

**LABEL, IN PART:** (Package) "One Piece One Thickness \* \* \* Nordic Net Weight One Pound \* \* \* quick frozen skinless Haddock Fillets."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

Misbranding, Section 403 (a), the label designation "Fillets" was false and misleading as applied to the article, which consisted of pieces and bits of low grade haddock pressed into solid form similar to a fillet.

**DISPOSITION:** February 9, 1955. The Atlantic Coast Fisheries Co. having intervened in the case and later having withdrawn as intervenor, judgment of condemnation was entered and the court ordered that the product be destroyed.

**21775. Adulteration of frozen whitefish.** U. S. v. 34 Boxes \* \* \*. (F. D. C. No. 37496. Sample Nos. 12442-M, 12445-M.)

**LIBLE FILED:** December 7, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 10, 1954, by Canadian Fish Producers, Ltd., from Winnipeg, Canada.

**PRODUCT:** 34 boxes, each containing 116 pounds of frozen whitefish at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** January 4, 1955. Default decree of condemnation and destruction.

**21776. Adulteration of crabmeat.** U. S. v. Walter F. Lubkin (Coastal Seafoods Co.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 36662. Sample Nos. 50587-L to 50590-L, incl.)

**INFORMATION FILED:** December 17, 1954, Eastern District of South Carolina, against Walter F. Lubkin, trading as the Coastal Seafoods Co., Beaufort, S. C.

**ALLEGED SHIPMENT:** On or about May 25 and 29, 1954, from the State of South Carolina into the State of New York.

**LABEL, IN PART:** (Can) "Coastal Seafoods Co. \* \* \* Jumbo [or "Special"] Crab Meat 1 Lb. Net Beaufort, S. C."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of *E. coli* of fecal origin, insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 17, 1955. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$200.

**21777. Adulteration of crabmeat.** U. S. v. Harry E. Olcott (Fulton Fish Co.) Plea of nolo contendere. Fine, \$300. (F. D. C. No. 35783. Sample Nos. 72292-L, 72293-L.)

**INFORMATION FILED:** September 17, 1954, Southern District of Florida, against Harry E. Olcott, trading as the Fulton Fish Co., Jacksonville, Fla.

**ALLEGED SHIPMENT:** On or about August 4, 1953, from the State of Florida into the District of Columbia.

**LABEL, IN PART:** "Atlantic Pride Seafoods \* \* \* Crab Meat \* \* \* Jacksonville, Fla."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by the reason of the presence of *E. coli* of fecal origin; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 17, 1954. The defendant having entered a plea of nolo contendere, the court fined him \$300.

**FRUITS AND VEGETABLES****CANNED FRUIT**

**21778. Adulteration of canned blueberries. U. S. v. 714 Cans \* \* \*. (F. D. C. No. 37134. Sample No. 68724-L.)**

**LIBEL FILED:** September 10, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 19, 1954, by Philip Curcio, from Carbondale, Pa.

**PRODUCT:** 714 23-pound unlabeled cans of blueberries at Marlboro, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** October 5, 1954. Default decree of condemnation and destruction.

**21779. Adulteration of canned blueberries. U. S. v. 416 Cans \* \* \*. (F. D. C. No. 37132. Sample No. 49210-L.)**

**LIBEL FILED:** September 10, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1954, by Philip Curcio, from Carbondale, Pa.

**PRODUCT:** 416 23-pound unlabeled cans of blueberries at Marlboro, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** October 5, 1954. Default decree of condemnation and destruction.

**21780. Adulteration of canned blueberries. U. S. v. 413 Cans \* \* \*. (F. D. C. No. 37133. Sample No. 68723-L.)**

**LIBEL FILED:** September 10, 1954, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 9, 1954, by Philip Curcio, from Carbondale, Pa.

**PRODUCT:** 413 23-pound unlabeled cans of blueberries at Marlboro, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** October 5, 1954. Default decree of condemnation and destruction.

**21781. Adulteration of canned blueberries. U. S. v. 36 Cases \* \* \*. (F. D. C. No. 37500. Sample No. 12843-M.)**

**LIBEL FILED:** December 1, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 6, 1954, by Clement Pappas & Co., from Cedarville, N. J.

**PRODUCT:** 36 cases, each containing 6 cans, of blueberries at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Thrifty Brand Blueberries Packed In Water Contents 6 Lbs. 6 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** March 23, 1955. Default decree of condemnation and destruction.

## VEGETABLES AND VEGETABLE PRODUCTS

21782. Adulteration of frozen corn. U. S. v. 194 Cases \* \* \*. (F. D. C. No. 37422. Sample No. 81235-L.)

LIBEL FILED: November 17, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about September 28, 1954, by the Allied Produce Co., from Sunnyside, Wash.

PRODUCT: 194 cases, each containing 12 cartons, of frozen corn at San Francisco, Calif.

LABEL, IN PART: (Carton) "Zero-Kist Brand Frozen Fresh Cut Corn Net Wt. 2½ Lbs. Packed By Prosser Packers, Inc., Prosser, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect-damaged kernels.

DISPOSITION: December 1, 1954. Default decree of condemnation and destruction.

21783. Adulteration of olives. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 36348. Sample No. 82208-L.)

LIBEL FILED: March 10, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 2 and August 13, 1953, by the Belle Products Co., from Houston, Tex.

PRODUCT: 18 cases, each containing 12 jars, of olives at McAlester, Okla.

LABEL, IN PART: (Jar) "Towie Net Contents 21 Ounces Avoir. \* \* \* Salad Olives With Pimientos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

DISPOSITION: June 14, 1954. Default decree of condemnation and destruction.

21784. Misbranding of canned peas. U. S. v. 55 Cases \* \* \*. (F. D. C. No. 34501. Sample No. 36483-L.)

LIBEL FILED: December 17, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 9, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

PRODUCT: 55 cases, each containing 6 1-pound, 4-ounce cans, of peas at Cincinnati, Ohio.

LABEL, IN PART: "Cottage Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of excessive alcohol-insoluble solids, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: On December 29, 1952, Lord-Mott Co., Inc., filed certain so-called answers and defenses to the libel. Thereafter, certain motions as hereinafter described were filed by the Government and by Lord-Mott Co., Inc.; and, on April 24, 1953, the court handed down the following findings of fact and conclusions of law:

DRUFFEL, District Judge: "This action, having come before the Court on March 9, 1953, upon libelant's application for default judgment, motion to strike, and motion for judgment on the pleadings, and upon the documents

filed by Lord-Mott Co., Inc., namely, the so-called answers and defenses, motion to strike, and application for judgment, and the Court having considered the entire record, hereby makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

"1. On December 17, 1952, the United States Attorney for this District filed a libel of information against the above-described article.

"2. The libel alleges that the article proceeded against is a food which was shipped in interstate commerce and is misbranded in violation of the Federal Food, Drug, and Cosmetic Act [21 U. S. C. 343 (h) (1)] in that it purports to be and is represented as canned peas, a food for which a standard of quality has been prescribed by regulations promulgated pursuant to 21 U. S. C. 341 [401] and its quality falls below such standard.

"3. Pursuant to monition issued by this Court the United States Marshal for this district seized said article on December 30, 1952.

"4. Lord-Mott Co., Inc., of Baltimore, Maryland, by letters from George S. Clark, its sales manager, interposed so-called answers and defenses against the seizure of said article.

"5. The letters interposed by Lord-Mott Co., Inc., did not deny any of the allegations of the libel.

"6. The defense set forth in the letter of December 24, 1952, from Lord-Mott Co., Inc., were: first, that the standard of quality established by the regulations is not 'in the interest of consumers'; second, that the intervenor disagrees with the tolerance for alcohol-insoluble solids of peas established by the regulations; third, that the Administrator acted illegally in sampling the seized food at shipping terminals, and that the action should therefore be dismissed; and fourth, that the recent decision in *United States v. Cardiff*, 344 U. S. 174, and a proposed investigation of the Food and Drug Administration by the House Interstate and Foreign Commerce Committee in some way militates against the United States maintaining this action.

"7. Subsequent to the receipt of the above-dated letter from Lord-Mott Co., Inc., the United States filed an application for default decree, a motion to strike, and a motion for judgment on the pleadings; and, later, a motion to strike and application for judgment was filed by Lord-Mott Co., Inc.

#### CONCLUSIONS OF LAW

"1. For reasons apparent in the subsequent conclusions of law, I conclude it is unnecessary to rule upon libelant's application for default decree and will treat the letters signed by George S. Clark, sales manager of Lord-Mott Co., Inc., as answers, motions to strike and to dismiss, and applications for judgment.

"2. The libel filed by the United States of America states a claim upon which condemnation of the seized article should be granted by this Court under the provisions of 21 U. S. C. 334 [304] (a) and 343 [403] (h) (1).

"3. The failure of Lord-Mott Co., Inc., to deny any of the allegations of the libel results in all of the allegations in the libel being admitted pursuant to the provisions of Rule 8 (d) of the Federal Rules of Civil Procedure.

"4. The so-called defenses advanced by Lord-Mott Co., Inc., are insufficient in law to state a defense and set forth no grounds upon which the libel should be dismissed.

"5. The letters from Lord-Mott Co., Inc., setting forth the proposed defenses are hereby ordered stricken as insufficient to state a defense and as immaterial to this proceeding and its motions to strike and to dismiss and its applications for judgment are hereby denied.

"6. The motions of the United States of America to strike and for judgment on the pleadings are hereby granted."

In accordance with the above findings and conclusions, the court, on April 24, 1953, entered a decree of condemnation and ordered that the product be released under bond to the claimant for relabeling under the supervision of the Department of Health, Education, and Welfare.

21785. Adulteration of Bar-Be-Que relish. U. S. v. 13 Cases \* \* \*. (F. D. C. No. 37294. Sample No. 77231-L.)

LIBEL FILED: October 12, 1954, District of Delaware.

ALLEGED SHIPMENT: On or about July 30, 1954, by Mrs. Sands Food Products, from Norristown, Pa.

PRODUCT: 13 cases, each containing 12 16-ounce jars, of Bar-Be-Que relish at Wilmington, Del.

LABEL, IN PART: (Jar) "Mrs. Sands Spiced Bar-Be-Que Relish \* \* \* Mfd. By de Solms Norristown, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly parts and other insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 23, 1954. Default decree of condemnation and destruction.

21786. Adulteration of chowchow. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 37293. Sample No. 77150-L.)

LIBEL FILED: October 12, 1954, District of Delaware.

ALLEGED SHIPMENT: On or about August 13, 1954, by Mrs. Sands Food Products, from Norristown, Pa.

PRODUCT: 15 cases, each containing 12 1-pint jars, of chowchow at Wilmington, Del.

LABEL, IN PART: (Jar) "Mrs. Sands Old Fashion Chow Chow \* \* \* Mfd. By de Solms Norristown, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by the reason of the presence of flies, fly parts, and other insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 23, 1954. Default decree of condemnation and destruction.

#### TOMATOES AND TOMATO PRODUCTS

21787. Adulteration of canned tomatoes. U. S. v. 68 Cases \* \* \*. Government's motion to strike claimant's "answer" sustained in part. (F. D. C. No. 33862. Sample No. 4334-L.)

LIBEL FILED: September 12, 1952, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 6, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

PRODUCT: 68 cases, each containing 24 cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: (Can) "Iona Tomatoes Net Wt. 1 Lb. 12 Ozs. Standard Quality Grade C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On December 17, 1952, Lord-Mott Co., Inc., without filing a formal claim, submitted a letter to the court designated as an "answer" to

the libel. The "answer" failed to deny the allegations of the libel, but instead set forth approximately 5 different reasons for dismissing the libel as follows: (1) That the Federal Security Administrator had over the years allowed a tolerance for decomposition which he had gradually lowered to what was asserted to be an "unreasonable" level; (2) that the inspectors who collected the samples of the product acted illegally and that the evidence so obtained should be suppressed; (3) that a meeting of a number of tomato packers had been called to discuss relief from the act's ban on decomposition; (4) that a congressional committee was scheduled to investigate the Food and Drug Administration in the near future; and, (5) that the product was not injurious to the consumer.

The Government filed motions to have the court enter either a default judgment or a judgment on the pleadings. The Government filed also a motion to strike the "answer." On March 27, 1953, the court handed down the following decision on the Government's motions:

SHELBOURNE, *District Judge*:

ORDER

"This case is before the Court on Libelant's motion (1) to strike Claimant's answer and such portions thereof as seem proper on the alleged grounds that (1) no claim to the seized article has been filed by the Libelee and (2) the answer consists entirely of matter which is immaterial to this action and (3) the defenses relied upon in the answer are insufficient in law.

"2. An application for default judgment for the alleged reason that no claimant has appeared to make a claim of ownership to the seized articles.

"1. While Lord Mott & Company, Inc., in its somewhat informal answer has not spelled out a formal claim to the goods, it is apparent from the answer that the Company is here desiring to claim the libeled goods and to contest the right of the Government to confiscate them. On this ground, the Libelant's motion to strike is overruled.

"So much of the answer as assails the Regulations as unreasonable is overruled. Libelee has not denied that its product is technically adulterated.

"The third defense of the answer refers to a proposed meeting of Canners, which will be held to discuss administration of the Food Laws. This paragraph #3 is stricken. Likewise, the fourth defense is stricken. Congressional action, such as referred to in this defense has not yet resulted and proposed legislation cannot be considered until it is legally enacted.

"The paragraph of respondent's answer, in which the writer offers to consume in open Court, a can of the tomatoes, is likewise immaterial and is stricken.

"The only issue in this case, as it is presently posed is whether the inspection, which resulted in the seizure of the tomatoes, was in violation of the law. In other words, did the Government legally take its sample? U. S. v. Cardiff, 21 Law Week 4045 — U. S. —.

"Therefore, the motion of the Government to strike the answer as a whole is overruled, as its motion for judgment on the pleadings. Its motion to strike the third and fourth defenses as numbered in the answer and to strike so much of the answer as refers to the offer of George S. Clark to eat a can of the tomatoes and drink the juice, as a test of the claimed contraband, is sustained."

On July 1, 1953, Lord-Mott Co., Inc., advised that it did not desire to offer further defenses to the libel and consented to the entry of a default decree. On July 10, 1953, the court entered a decree of condemnation and ordered that the product be delivered to a public institution, for use as animal feed.

**21788. Adulteration of canned tomatoes. U. S. v. 180 Cases \* \* \*. (F. D. C. No. 33923. Sample No. 38866-L.)**

**LIBEL FILED:** On or about October 14, 1952, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about August 5, 1952; by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 180 cases, each containing 24 cans, of tomatoes at Coeburn, Va.

**LABEL, IN PART:** (Can) "Contents 1 Lb. 12 Ozs. Old Reliable Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** On December 15, 1952, Lord-Mott Co., Inc., without filing a formal claim, submitted a letter to the court designated as an "answer" to the libel. The "answer" failed to deny the allegations of the libel, but instead set forth the same reasons for dismissing the libel that were contained in the "answer" filed in the libel action reported in the preceding notice of judgment, No. 21787.

The Government filed motions to have the court enter either a default judgment or a judgment on the pleadings. The Government filed also a motion to strike the "answer."

The matter came on for hearing before the court on June 3, 1953, at which time Lord-Mott Co., Inc., formally appeared as claimant to argue the defenses set forth in its "answer." At the conclusion of the argument, the court ruled in favor of the Government. On June 4, 1953, the court entered an order of condemnation on the basis that all material facts stated in the libel appeared to have been admitted by the claimant's answer and that no issue of fact remained. The product subsequently was disposed of as animal feed.

**21789. Adulteration of canned tomatoes. U. S. v. 239 Cases \* \* \*. (F. D. C. No. 34730. Sample No. 38912-L.)**

**LIBEL FILED:** On or about March 3, 1953, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about August 19, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 239 cases, each containing 24 cans, of tomatoes at Coeburn, Va.

**LABEL, IN PART:** (Can) "Contents 1 Lb. 12 Ozs. Old Reliable Brand Tomatoes Trace of Calcium Salt Added."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** On May 5, 1953, Lord-Mott Co., Inc., in the capacity of claimant, filed a document entitled "Answer, Motions to Strike and Application for Judgment In Favor of Defendant," in which it claimed (1) that the Federal Security Administrator had over the years allowed a tolerance for decomposition which he had gradually lowered to what was asserted to be an "unreasonable" level; (2) that the Food and Drug Administration had used 20 percent of the microscopic fields as a "working tolerance" on tomato juice which was the lowest "working tolerance" the Food and Drug Administration had used over the years on any tomato product, whereas nearly every can of the official samples of the canned tomatoes involved in the instant case was found upon analysis to be below such "working tolerance"; (3) that

Section 402 of the Act was ambiguous; (4) that the product was not injurious to the consumer; and, (5) that the principles of the case of the United States v. 558 Cases of Tomatoes (reported in notices of judgment on food, No. 20082) were applicable to the instant case. The company requested also that judicial notice be taken of the case of the United States v. 68 Cases of Tomatoes (reported in notices of judgment on food, No. 21787) and of a meeting held on December 18, 1952, by representatives of the tomato industry concerning relief from the act's ban on decomposition, and also of a letter written by the claimant to the Chairman of the House of Representatives Committee on Interstate and Foreign Commerce.

The Government filed a motion for judgment on the pleadings. The matter came on for hearing before the court on June 3, 1953. At its conclusion, the court ruled in favor of the Government. On June 4, 1953, the court entered an order of condemnation on the basis that all material facts stated in the libel appeared to have been admitted by the claimant's answer and that no issue of fact remained. The product subsequently was disposed of as animal feed.

**21790. Adulteration of canned tomatoes. U. S. v. 600 Cases, etc. (F. D. C. No. 35914. Sample Nos. 55695-L, 55696-L.)**

**LIBEL FILED:** On or about October 9, 1953, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 10, 1953, by Thomas Roberts & Co., Inc., from Hynson, Md.

**PRODUCT:** 600 cases, each containing 24 1-pound cans, and 125 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Utica, N. Y.

**LABEL, IN PART:** (Can) "Pride Of The Farm Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 1, 1955. Thomas G. McMahon & Co., Inc., Utica, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Department of Health, Education, and Welfare. 388 cases containing 24 1-pound cans and 66 cases containing 6 6-pound, 6-ounce cans of the product were found unfit and were destroyed.

**21791. Adulteration of tomato puree. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 34028. Sample No. 3252-L.)**

**LIBEL FILED:** October 20, 1952, District of Kansas.

**ALLEGED SHIPMENT:** On or about October 1, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

**PRODUCT:** 50 cases, each containing 48 cans, of tomato puree at Topeka, Kans.

**LABEL, IN PART:** (Can) "Lord-Mott's Tomato Puree Made From Whole Ripe Tomatoes Contents 10½ Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** On December 23, 1952, Lord-Mott Co., Inc., in the capacity of claimant, submitted a letter to the court designated as an "answer" to the

libel. The "answer" failed to deny the allegations of the libel, but instead set forth approximately 5 different reasons for dismissing the libel as follows: (1) That the Federal Security Administrator had over the years allowed a tolerance for decomposition which he had gradually lowered to what was asserted to be an "unreasonable level"; (2) that the inspectors who collected the samples of the product acted illegally and that the evidence so obtained should be suppressed; (3) that a meeting had been held on December 18, 1952, between the representatives of the Food and Drug Administration and the tomato canning industry, on the subject of relief from the act's ban on decomposition, but that no relief had been granted by the Food and Drug Administration; (4) that a congressional committee was scheduled to investigate the Food and Drug Administration in the near future; and, (5) that the product was not injurious to the consumer.

The Government filed motions to have the court enter either a default judgment or a judgment on the pleadings. The Government filed also a motion to strike the "answer." On March 5, 1953, the claimant filed a motion to strike and an application for judgment in its favor, and, on March 13, 1953, the court denied the claimant's motion. The claimant submitted a reply to the Government's motions on March 18, 1953. The case came on for hearing before the court on April 10, 1953, but the claimant failed to appear. The Government thereupon moved the court for judgment on the pleadings, which was granted on the basis that all material facts stated in the libel had been admitted by the claimant's "answer." Accordingly, the court, on April 10, 1953, entered a decree of condemnation and ordered that the product be destroyed.

## NUTS AND NUT PRODUCTS\*

21792. Adulteration of black walnut meats. U. S. v. 30 Cartons \* \* \*. (F. D. C. No. 36758. Sample No. 86226-L.)

LIBEL FILED: June 9, 1954, Western District of Kentucky.

ALLEGED SHIPMENT: On or about March 5, 24, and 31, 1954, by the Acker Black Walnut Corp., from Broadway, Va.

PRODUCT: 30 30-pound cartons of black walnut meats at Louisville, Ky., in possession of Huter-Quest & Co., Inc.

LABEL, IN PART: "Granule Grade Handpicked Pasteurized Black Walnut Meats."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1954. The Acker Black Walnut Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product subsequently was denatured for use as animal feed.

\*See also No. 21754.

**21793. Adulteration of peanut granules. U. S. v. Aster Nut Products Co., Inc.**  
**Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 35838. Sample Nos. 63524-L, 70577-L, 78953-L.)**

**INFORMATION FILED:** July 30, 1954, Southern District of Indiana, against Aster Nut Products Co., Inc., Evansville, Ind.

**ALLEGED SHIPMENT:** Between the approximate dates of October 8 and 26, 1953, from the State of Indiana into the States of Missouri, Tennessee, and Kentucky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of a sawtooth beetle, sawtooth beetle fragments, insect fragments, rodent hair fragments, and mites; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 14, 1955. The defendant having entered a plea of guilty, the court fined it \$150, plus costs.

**21794. Adulteration of peanut butter. U. S. v. Andrus-Scofield Co. and Albert W. Jaeger. Pleas of guilty. Fine of \$500 against company and \$250 against individual. (F. D. C. No. 36648. Sample No. 86415-L.)**

**INFORMATION FILED:** July 30, 1954, Southern District of Ohio, against the Andrus-Scofield Co., a corporation, Columbus, Ohio, and Albert W. Jaeger, manager of the corporation.

**ALLEGED SHIPMENT:** On or about April 6, 1954, from the State of Ohio into the State of Indiana.

**LABEL, IN PART:** (Mug) "Capitol Brand Peanut Butter \* \* \* Net Weight 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, sawtooth beetle leg fragments, and *tribolium* beetle mandibles; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 10, 1954. The defendants having entered pleas of guilty, the court fined the company \$500 and the individual \$250.

**21795. Adulteration of peanut butter. U. S. v. Union Food Products Co. and Edward F. Pilliod. Pleas of guilty. Fine of \$150 against company and \$50 against individual. (F. D. C. No. 36599. Sample No. 72393-L.)**

**INFORMATION FILED:** August 5, 1954, Southern District of Ohio, against the Union Food Products Co., a corporation, Greenville, Ohio, and Edward F. Pilliod, president of the corporation.

**ALLEGED SHIPMENT:** On or about October 21, 1953, from the State of Ohio into the State of West Virginia.

**LABEL, IN PART:** (Jar) "Yum-Yum Peanut Butter Net Wt. 2 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 10, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$150 and the individual \$50.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**21796. Adulteration and misbranding of Birocal-D Fortis.** U. S. v. 46 Bottles, etc. (F. D. C. No. 36503. Sample No. 72569-L.)

**LIBLE FILED:** On or about April 15, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about January 4, 1954, from Buffalo, N. Y.

**PRODUCT:** 46 1000-tablet bottles and 242 100-tablet bottles of *Birocal-D Fortis* at Petersburg, Va., in possession of Physicians Products Co., Inc. Analysis disclosed that the product contained 60 percent of the declared amount of vitamin D.

**RESULTS OF INVESTIGATION:** The tablets were shipped in bulk from Buffalo, N. Y., and upon their receipt by the consignee, they were repackaged into bottles and relabeled.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains: \* \* \* Vitamin D (Irradiated Ergosterol) 400 U. S. P. Units" was false and misleading.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of condemnation. The product subsequently was relabeled and delivered to a charitable institution.

**21797. Adulteration and misbranding of Deecals capsules.** U. S. v. 33 Bottles \* \* \*. (F. D. C. No. 36996. Sample No. 83988-L.)

**LIBLE FILED:** October 14, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 31, 1952, from Newark, N. J.

**PRODUCT:** 33 bottles of Deecals capsules at Minneapolis, Minn. Analysis showed that the product contained less than 50 percent of the declared amount of Vitamin D.

**LABEL, IN PART:** "1000 Capsules Deecals Dicalcium Phosphate Calcium Gluconate with Vitamin D \* \* \* Each Capsule Contains: \* \* \* Not Less Than 330 U. S. P. Units of Vitamin D."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains: \* \* \* Not Less Than 330 U. S. P. Units of Vitamin D" was false and misleading as applied to a product which contained less than 330 units of vitamin D per capsule.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 19, 1955. Default decree of condemnation and destruction.

**21798. Adulteration and misbranding of Fastabs tablets.** U. S. v. 69 Boxes, etc. (F. D. C. No. 36841. Sample No. 72224-L.)

**LIBLE FILED:** June 14, 1954, District of Columbia.

**ALLEGED SHIPMENT:** On or about September 28, 1953, and March 24, 1954, from Baltimore, Md., by National Health Aids of Baltimore, Inc., and Charles Antell, Inc.

**PRODUCT:** Fastabs tablets. 69 boxes, each containing a 21-day supply, and 12 boxes, each containing a 48-day supply, at Washington, D. C. Analysis showed that the product contained less than 50 percent of the declared amount of vitamin D.

**LABEL, IN PART:** (Box) "Fastabs The Vitamin, Mineral, Protein Supplement For Reducing Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units \* \* \* In addition 50 Mgs. of Calcium and 38 Mgs. of Phosphorus (from Dicalcium Phosphate) \* \* \* Dietary Supplement."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Brown Tablet contains: \* \* \* Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units" was false and misleading.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus furnished by a specified quantity of the product when consumed during a period of one day.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21799. Adulteration and misbranding of KP-100 Vita-Plus tablets. U. S. v. 27 Bottles, etc. (F. D. C. No. 37054. Sample No. 82188-L.)**

**LABEL FILED:** August 23, 1954, District of Kansas.

**ALLEGED SHIPMENT:** On or about May 17, 1954, from Dayton, Ohio.

**PRODUCT:** KP-100 Vita-Plus tablets. 27 1,000-tablet bottles, 22 500-tablet bottles, and 9 100-tablet bottles, at Overland Park, Kans. Analysis showed that the article contained approximately 50 percent of the declared amount of vitamin D.

**LABEL, IN PART:** "Tablets KP-100 Vita-Plus A dietary supplement furnishing eight vitamins with Calcium, Phosphorus and Iron \* \* \* Each Tablet Contains: \* \* \* Vitamin D..... 1000 U. S. P. Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement, namely, "Each Tablet Contains: \* \* \* Vitamin D..... 1000 U. S. P. Units," was false and misleading as applied to the article, which contained less than the declared amount of vitamin D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 14, 1954. Default decree of condemnation and destruction.

**21800. Adulteration and misbranding of Vitamelk. U. S. v. 250 Bags \* \* \*. (F. D. C. No. 36755. Sample No. 76122-L.)**

**LABEL FILED:** August 25, 1954, District of Oregon.

**ALLEGED SHIPMENT:** On or about March 4, 1954, by the Dawe's Mfg. Co., from Auburn, Wash.

**PRODUCT:** 250 bags of Vitamelk at The Dalles, Oreg. Analysis showed that the product contained 30 percent of the declared amount of vitamin D.

**LABEL, IN PART:** "Net Weight 100 Lbs. Dawe's Vitamelk Multi-Vitamin Fortifier (D. V. Base)."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Minimum Guarantee Per Pound Vitamin D<sub>3</sub> (Int. Chick Units) 27,240" was false and misleading.

**DISPOSITION:** October 26, 1954. The Dawe's Mfg. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing so as to bring it into compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

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**SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS**

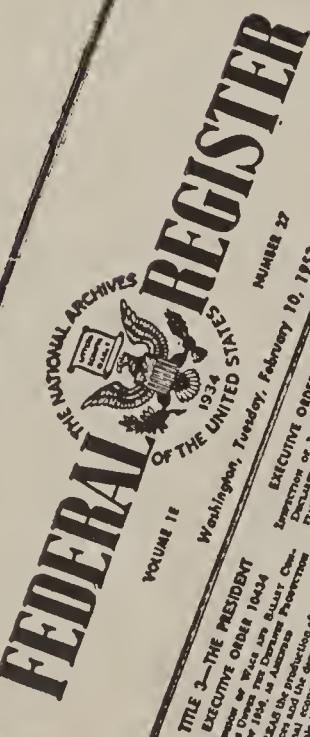
	N. J. No.		N. J. No.
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Adrian Co-operative Creamery: butter-----	21764	Frigo Bros. Chieese Corp.: parmesan cheese-----	21769
Allied Produce Co.: frozen corn-----	21782	Fulton Fish Co. <i>See</i> Olcott, H. E.	
Andrew's Coffee Co., Inc.: coffee-----	21751-21753	Hart & Howell Co., Inc.: unpopped popcorn-----	21760
Andrus-Scofield Co.: peanut butter-----	21794	Huter-Quest & Co., Inc.: black walnut meats-----	21792
Antell, Charles, Inc.: Fastabs tablets-----	21798	Jaeger, A. W.: peanut butter-----	21794
Aster Nut Products Co., Inc.: peanut granules-----	21793	Lord-Mott Co., Inc.: peas, canned----- <sup>2</sup>	21784
Atlantic Coast Fisheries Co.: frozen haddock fillets-----	21774	tomato(es), canned----- <sup>1,3</sup>	21787-21789
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Blumenthal Bros. Chocolate Co.: candy, shelled peanuts, and powdered buttermilk-----	21754	Merchants Creamery Co.: butter and pasteurized process cheese food-----	21766
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Central Farm Products Co.: nonfat dry milk solids-----	21770	Mountain States Creamery Co. of Colorado: butter-----	21765
Coastal Seafoods Co. <i>See</i> Lub- kin, W. F.		National Cheese Co.: cheddar cheese-----	21768
Curcio, Philip: canned blueberries-----	21778-21780	National Health Aids of Balti- more, Inc.: Fastabs tablets-----	21798
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		Pillioid, E. F.: peanut butter-----	21795

<sup>1</sup>(21763, 21787) Seizure contested. Contains opinion of the court.<sup>2</sup>(21784) Seizure contested. Contains findings of fact and conclusions of law.<sup>3</sup>(21788, 21789, 21791) Seizure contested.

	N. J. No.		N. J. No.
Pitt Chocolate Co.:		Sinclair Produce Co.:	
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frozen corn-----	21782	coffee-----	21751
Raton Flour Mills Co.:		Swift & Co.:	
flour -----	21759	poultry feed-----	21773
Roberts, Thomas, & Co., Inc:		Tindall Cotton Oil Corp.:	
canned tomatoes-----	21790	cottonseed pellets-----	21772
Sands, Mrs., Food Products:		Union Food Products Co.:	
Bar-Be-Que relish-----	21785	peanut butter-----	21795
chowchow-----	21786	Victorian Candy Co.:	
Schwartz, J., & Sons:		candy-----	21755, 21756
candy-----	21755, 21756	Western United Dairy Co.:	
		butter-----	21767



# THE FEDERAL REGISTER



PUBLISHES DAILY THE FULL TEXT OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS, AND ANY ORDER, REGULATION, NOTICE, OR SIMILAR DOCUMENT PROMULGATED BY FEDERAL ADMINISTRATIVE AGENCIES WHICH HAS GENERAL APPLICABILITY AND LEGAL EFFECT.

The contents of the FEDERAL REGISTER are required by the Federal Register Act to be judicially noticed. In this connection the Supreme Court of the United States in *Federal Crop Insurance Corporation v. Merrill* (332 U. S. 380) stated:

“Just as everyone is charged with knowledge of the United States Statutes at Large, Congress has provided that the appearance of rules and regulations in the FEDERAL REGISTER gives legal notice of their contents.”

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**U. S. Department of Health, Education, and Welfare****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

**21801-21850**

**FOODS**

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections while held for sale after shipment in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation at the time of shipment, and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

**GEO. P. LARRICK, Commissioner of Food and Drugs.**

WASHINGTON, D. C., October 17, 1955.

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## CEREALS AND CEREAL PRODUCTS

## FLOUR\*

**21801. Flour.** (F. D. C. No. 36749. S. Nos. 67-337/9 L.)

QUANTITY: 1,325 10-lb. bags and 106 25-lb. bags at Mobile, Ala., in possession of Delchamps, Inc.

SHIPPED: 4-14-54, from Louisville, Ky.

LIBELED: 5-21-54, S. Dist. Ala.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-23-54. Default—consumption by animals.

**21802. Flour.** (F. D. C. No. 37078. S. Nos. 83-771/4 L.)

QUANTITY: 44 50-lb. bags at Monroe, Wis.

SHIPPED: Between 2-18-54 and 5-6-54, from Minneapolis and New Prague, Minn.

LIBELED: 9-1-54, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-12-54. Default—consumption by animals.

**21803. Flour.** (F. D. C. No. 37058. S. Nos. 67-361/5 L.)

QUANTITY: 34 50-lb. bags, 18 25-lb. bags, and 294 10-lb. bags at Pascagoula, Miss.

SHIPPED: Between 12-30-53 and 4-10-54, from Greenville, Tex.

LIBELED: 8-23-54, S. Dist. Miss.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-2-54. Default—destruction.

**21804. Flour.** (F. D. C. No. 36931. S. No. 89-284 L.)

QUANTITY: 39 25-lb. bags at Blytheville, Ark.

SHIPPED: 4-12-54, from Chester, Ill.

LIBELED: 8-31-54, E. Dist. Ark.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-7-54. Default—consumption by animals.

**21805. Flour.** (F. D. C. No. 36914. S. Nos. 67-355/7 L.)

QUANTITY: 46 25-lb. bags and 53 10-lb. bags at Mobile, Ala., in possession of Campbell Wholesale Grocery Co., Inc.

SHIPPED: Between 6-26-53 and 6-17-54, from Shawnee, Okla.

LIBELED: 8-6-54, S. Dist. Ala.

CHARGE: 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-29-54. Default—consumption by animals.

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\*See also No. 21816.

**21806. Flour and cornmeal.** (F. D. C. No. 37290. S. Nos. 89-673/8 L.)

**QUANTITY:** 10 cartons, each containing 5 10-lb. bags, 19 cartons, each containing 10 5-lb. bags, and 26 50-lb. bags (flour); and 141 10-lb. bags and 40 25 lb. bags (cornmeal), at Covington, Tenn., in possession of the Dobson Flour Co.

**SHIPPED:** Between 3-25-54 and 8-19-54, from Hutchinson, Kans., Decatur, Ala., and Fremont, Nebr.

**LIBELED:** 10-8-54, W. Dist. Tenn.

**CHARGE:** 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 11-5-54. Default—consumption by animals.

**21807. Flour, hulled white sesame seed, whole yellow sesame seed, and blue poppyseed.** (F. D. C. No. 37079. S. Nos. 53-985/8 L.)

**QUANTITY:** 12 50-lb. bags (flour), 4 100-lb. bags (hulled white sesame seed), 4 100-lb. bags (whole yellow sesame seed), and 1 100-lb. bag (blue poppyseed) at Rock Island, Ill.

**SHIPPED:** Between 2-10-54 and 5-12-54, from Baltimore, Md., and Minneapolis, Minn.

**LIBELED:** 9-13-54, S. Dist. Ill.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 2-8-55. Consent—claimed by Illinois Wholesale Grocery, Inc. Flour converted to animal feed; 72 lbs. of white sesame seed and 34 lbs. of blue poppyseed destroyed.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21808. Unpopped popcorn.** (F. D. C. No. 36967. S. Nos. 68-063/4 L.)

**QUANTITY:** 37 cases, each containing 24 1-lb. bags, at Shreveport, La.

**SHIPPED:** 1-26-54, from Memphis, Tenn.

**LIBELED:** 9-22-54, W. Dist. La.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-30-54. Default—consumption by animals.

**21809. Unpopped popcorn and rice.** (F. D. C. No. 36981. S. Nos. 85-271/2 L.)

**QUANTITY:** 10 100-lb. bags (unpopped popcorn) and 11 25-lb. bags (rice) at Valley City, N. Dak.

**SHIPPED:** Between 3-4-54 and 7-16-54, from Schaller, Iowa, and Minneapolis, Minn.

**LIBELED:** 9-28-54, Dist. N. Dak.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-12-54. Default—destruction.

**21810. Rice.** (F. D. C. No. 36752. S. Nos. 62-886/7 L, 88-542/3 L.)

**QUANTITY:** 30 25-lb. bags and 35 100-lb. bags at Stuttgart, Ark., in possession of Producer's Rice Mill, Inc.

**SHIPPED:** 4-13-54, from Sioux Falls, S. Dak.

**LIBELED:** 5-28-54, E. Dist. Ark.

**CHARGE:** 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-16-54. Consent—claimed by Producer's Rice Mill, Inc.; 72 lbs. destroyed.

**21811. Rice.** (F. D. C. No. 36941. S. No. 89-569 L.)

QUANTITY: 22 bales, each containing 10 10-lb. bags, at Davenport, Iowa.

SHIPPED: 10-27-53, from Stuttgart, Ark.

LIBELED: 9-3-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-19-54. Default—consumption by animals.

**21812. Rice.** (F. D. C. No. 36997. S. No. 85-269 L.)

QUANTITY: 21 100-lb. bags at St. Cloud, Minn.

SHIPPED: 2-24-54, from De Witt, Ark.

LIBELED: 10-16-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-17-55. Default—consumption by animals.

**21813. Rice.** (F. D. C. No. 36979. S. No. 80-065 L.)

QUANTITY: 14 100-lb. sacks at San Francisco, Calif.

SHIPPED: 12-7-53, from Houston, Tex.

LIBELED: 9-30-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-27-54. Default—destruction.

**21814. Rice.** (F. D. C. No. 36976. S. No. 72-885 L.)

QUANTITY: 7 100-lb. bags at Quincy, Ill.

SHIPPED: 12-4-53, from Jonesboro, Ark.

LIBELED: 10-5-54, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-4-54. Default—consumption by animals.

**21815. Rice and prunes.** (F. D. C. No. 37004. S. Nos. 78-071 L, 85-270 L.)

QUANTITY: 7 100-lb. bags (rice) and 62 cases (prunes), each case containing 12 2-lb. packages, at Rochester, Minn.

SHIPPED: Between 8-7-53 and 8-10-54, from Lake Charles, La., and San Jose, Calif.

LIBELED: 10-20-54, Dist. Minn.

CHARGE: 402 (a) (3)—the rice contained insects and the prunes contained a decomposed substance while held for sale.

DISPOSITION: 1-19-55. Default—consumption by animals.

**21816. Rice, flour, small white beans, and prunes.** (F. D. C. No. 37286. S. Nos. 85-410 L, 85-905/6 L, 89-471 L.)

QUANTITY: 5 100-lb. bags (rice), 31 100-lb. bags (flour), 10 100-lb. bags (small white beans), and 10 cases, each containing 12 2-lb. pkgs. (prunes), at Devils Lake, N. Dak., in possession of the Gamble Robinson Co.

SHIPPED: Between 10-6-53 and 8-30-54, from Abbeville, La., Great Falls, Mont., Denver, Colo., and San Francisco, Calif.

LIBELED: 10-4-54, Dist. N. Dak.

CHARGE: 402 (a) (3)—the flour contained rodent filth and the prunes contained a decomposed substance; and, 402 (a) (4)—all articles held under insanitary conditions.

DISPOSITION: 1-7-55. Default—destruction.

**21817. Wild rice, poppyseed, and green split peas.** (F. D. C. No. 37015. S. Nos. 85-859/61 L.)

QUANTITY: 4 100-lb. bags (wild rice), 6 100-lb. bags (poppyseed), and 15 100-lb. bags (green split peas) at St. Paul, Minn., in possession of the New York Tea Co.

SHIPPED: Between 12-1-53 and 3-3-54, from Chicago, Ill., New York, N. Y., and Oakesdale, Wash.

LIBELED: 7-29-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-20-54. Consent—claimed by the New York Tea Co. 25 lbs. wild rice, 15 lbs. poppyseed, and 30 lbs. green split peas destroyed.

**21818. Cracked wheat, rolled wheat, whole wheat cereal, split peas, navy beans, seedless raisins, pitted dates, unshelled peanuts, small red beans, rice, and cheese.** (F. D. C. No. 37108. S. Nos. 72-859/70 L.)

QUANTITY: 10 100-lb. bags (cracked wheat), 6 100-lb. bags (rolled wheat), 7 100-lb. bags (whole wheat cereal), 17 100-lb. bags (split peas), 7 100-lb. bags (navy beans), 107 30-lb. cases (seedless raisins), 10 70-lb. cases (pitted dates), 56 95-lb. bags and 62 100-lb. bags (unshelled peanuts), 13 100-lb. bags (small red beans), 15 100-lb. bags (rice), and 6 cases, each containing 4 longhorns (cheese), at Peoria, Ill.

SHIPPED: Between 11-12-52 and 7-22-54, from Carlisle, Ark.; Fresno and San Francisco, Calif.; Chicago, Ill.; Cedar Rapids, Iowa; Lowell, Mich.; Minneapolis, Minn.; North Kansas City, Mo.; Suffolk, Va.; Spokane, Wash.; and Thorp, Wis.

LIBELED: 9-28-54, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-6-54. Consent—claimed by Chris Hoerr & Son Co. Cracked wheat, rolled wheat, whole wheat cereal, pitted dates, seedless raisins, rice, cheese, 300 lbs. of small red beans, 67 lbs. of navy beans, and 2,160 lbs. of unshelled peanuts converted to animal feed; 300 lbs. of small red beans and 100 lbs. of split peas destroyed.

**21819. Cake mix, macaroni shells, spaghetti, and macaroni products.** (F. D. C. No. 37280. S. Nos. 82-029 L, 82-271/4 L.)

QUANTITY: 22 cases, each containing 12 1-lb., 1-oz. packages (cake mix), 11 cases, each containing 12 2-lb. packages (macaroni shells), 7 cases, each containing 24 7-oz. packages (spaghetti), 8 cases, each containing 24 12-oz. packages (spaghetti), and 5 cases, each containing 24 12-oz. packages (macaroni products), at Kansas City, Kans.

SHIPPED: Between 2-18-54 and 3-1-54, from Los Angeles, Calif., and Kansas City, Mo.

LIBELED: 10-5-54, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-8-54. Default—destruction.

**21820. Cornstarch and salt.** (F. D. C. No. 36927. S. Nos. 85-900/1 L.)

QUANTITY: 225 100-lb. bags (cornstarch) and 140 100-lb. bags (salt) at Bricelyn, Minn., in possession of the Bricelyn Co-Operative Canning Association.

SHIPPED: Between 5-19-53 and 7-23-53, from Proviso, Ill., and Hutchinson, Kans.

LIBELED: 8-27-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-10-54. Consent—claimed by the Bricelyn Co-Operative Canning Association. Cornstarch converted to animal feed; salt denatured for use in controlling weeds.

## DAIRY PRODUCTS

### BUTTER

**21821. Butter.** (F. D. C. No. 37139. S. Nos. 90-495/6 L.)

QUANTITY: 6 cases, each containing 32 1-lb. packages, and 3 cases, each containing 16 1-lb. packages, at Kansas City, Kans.

SHIPPED: 10-13-54, from Kansas City, Mo.

LIBELED: 10-29-54, Dist. Kans.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 12-22-54. Default—destruction.

### CHEESE\*

**21822. Cheese.** (F. D. C. No. 36200. S. Nos. 43-575 L, 43-577/8 L, 43-580 L.)

QUANTITY: Approximately 1,439 lbs. at Oakland, Calif., in possession of the Buffum Cheese Co.

SHIPPED: Between 1-16-53 and 10-19-53, from Chicago, Ill., Salt Lake City, Utah, Plymouth, Wis., and Smithfield, Utah.

LIBELED: 12-22-53, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-12-54. Consent—claimed by the Buffum Cheese Co.; 530 lbs. destroyed.

**21823. Cheese.** (F. D. C. No. 36172. S. Nos. 42-896/903 L.)

QUANTITY: Approximately 1,455½ lbs. at San Francisco, Calif., in possession of the G. B. Celle Co.

SHIPPED: Between 8-27-52 and 8-18-53, from Fond du Lac, Wis., and New York, N. Y., and imported from Argentina and Italy.

LIBELED: 12-4-53, N. Dist. Calif.

\*See also No. 21818.

**CHARGE:** 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 1-25-54. Consent—claimed by G. B. Celle Co.; 823 lbs. destroyed.

## FISH AND SHELLFISH

**21824. Dried stockfish.** (F. D. C. No. 36294. S. Nos. 76-180 L, 76-182 L.)

**QUANTITY:** 46 110-lb. bales at Seattle, Wash.

**SHIPPED:** 9-23-53, imported from Norway.

**LIBELED:** 1-27-54, W. Dist. Wash.

**CHARGE:** 402 (a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 10-8-54. Default—destruction.

**21825. Frozen sturgeon.** (F. D. C. No. 36822. S. Nos. 38-408 L, 49-929 L.)

**QUANTITY:** 7,500 lbs. at New York, N. Y.

**SHIPPED:** 1-31-52, imported from Russia.

**LIBELED:** 6-9-54, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained rancid fish while held for sale.

**DISPOSITION:** 8-30-54. Consent—claimed by the Novasklar Corp.; 4,473 lbs. destroyed.

**21826. Frozen shrimp.** (F. D. C. No. 36862. S. No. 58-353 L.)

**QUANTITY:** 177 cases, each containing 10 5-lb. cartons, at New York, N. Y.

**SHIPPED:** 5-18-54, from Mobile, Ala.

**LIBELED:** 6-30-54, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained decomposed shrimp while held for sale.

**DISPOSITION:** 8-23-54; amended 9-2-54 and 10-1-54. Consent—claimed by R. J. Cornelius, Inc.; 2,980 lbs. dyed blue for use as fish bait and 2,560 lbs. destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**21827. Canned prunes.** (F. D. C. No. 36988. S. No. 88-041 L.)

**QUANTITY:** 10 cases, each containing 24 1-lb., 1-oz. cans, at Barnesboro, Pa.

**SHIPPED:** 10-6-53, from San Jose, Calif.

**LIBELED:** 10-6-54, W. Dist. Pa.

**CHARGE:** 402 (a) (3)—contained decomposed substance while held for sale.

**DISPOSITION:** 11-29-54. Default—destruction.

### DRIED FRUIT\*

**21828. Dates.** (F. D. C. No. 36948. S. No. 89-568 L.)

**QUANTITY:** 5 cases, each containing 24 1-lb. packages, at Davenport, Iowa.

**SHIPPED:** 11-21-53, from Indio, Calif.

**LIBELED:** 9-3-54, S. Dist. Iowa.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 10-19-54. Default—consumption by animals.

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\*See also Nos. 21815, 21816, 21818, 21842.

**21829. Prunes.** (F. D. C. No. 37008. S. No. 83-787 L.)

QUANTITY: 24 cases, each containing 12 2-lb. packages, at Duluth, Minn.

SHIPPED: On or about 3-10-54, from Calif.

LIBELED: 10-23-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-17-55. Default—destruction.

**21830. Raisins.** (F. D. C. No. 36909. S. No. 90-140 L.)

QUANTITY: 300 30-lb. cartons at Hutchinson, Kans.

SHIPPED: 11-17-53, from Fowler, Calif.

LIBELED: 8-5-54, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-28-54. Default—destruction.

**21831. Raisins.** (F. D. C. No. 36965. S. No. 63-773 L.)

QUANTITY: 20 30-lb. cases at Peoria, Ill.

SHIPPED: 2-1-54, from San Jose, Calif.

LIBELED: 9-27-54, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-28-54. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCTS

**21832. Dried orange peel.** (F. D. C. No. 36130. S. No. 52-216 L.)

QUANTITY: 9 packages, each containing approximately 250 lbs., at Brooklyn, N. Y.

SHIPPED: 5-7-53, imported from Spain.

LIBELED: 12-4-53, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 3-11-54. Default—destruction.

### VEGETABLES\*

**21833. Canned green asparagus.** (F. D. C. No. 36900. S. No. 87-438 L.)

QUANTITY: 32 cases, each containing 6 1-lb., 3-oz. cans, at Yakima, Wash.

SHIPPED: 1-22-53, from San Jose, Calif.

LIBELED: 7-16-54, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 10-12-54. Default—destruction.

**21834. Black-eyed beans.** (F. D. C. No. 37099. S. No. 75-418 L.)

QUANTITY: 375 100-lb. bags at Machipongo, Va., in possession of the Eastern Shore Canning Co.

SHIPPED: 10-20-53, from Lyoth, Calif.

LIBELED: 9-22-54, E. Dist. Va.

\*See also Nos. 21816-21818.

CHARGE: 402 (a) (3)—contained rodent filth; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-28-54. Consent—claimed by the Eastern Shore Canning Co. and denatured with lampblack (to be used as seed).

**21835. Canned lima beans.** (F. D. C. No. 36944. S. No. 67-366 L.)

QUANTITY: 51 cases, each containing 48 10-oz. cans, at Pascagoula, Miss.

SHIPPED: Early in 1953, from Brownsville, Tex.

LIBELED: 9-3-54, S. Dist. Miss.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 11-2-54. Default—destruction.

**21836. Navy beans.** (F. D. C. No. 36849. S. No. 75-661 L.)

QUANTITY: 82 25-lb. bags at Richmond, Va., in possession of the Richmond Warehouse Corp.

SHIPPED: 3-13-53, from Charlotte, Mich.

LIBELED: 6-22-54, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-16-54; amended 1-25-55. Consent—claimed by the Minor Walton Bean Co. and converted to animal feed.

**21837. Chickpeas.** (F. D. C. No. 36539. S. Nos. 88-844/5 L.)

QUANTITY: 242 110-lb. bags at Brooklyn, N. Y.

SHIPPED: 9-27-53, imported from French Morocco.

LIBELED: 5-3-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-2-54. Consent—claimed by Louis Cohen and converted to animal feed.

**21838. Canned pumpkin.** (F. D. C. No. 36956. S. No. 56-194 L.)

QUANTITY: 200 cases, each containing 24 1-lb., 12-oz. cans, at Schenectady, N. Y.

SHIPPED: 11-20-46, from Waldron, Ind.

LIBELED: 9-17-54, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 10-27-54. Default—destruction.

### NUTS\*

**21839. Shelled cashew nuts.** (F. D. C. No. 37278. S. No. 72-026 L.)

QUANTITY: 18 cases, each containing 2 25-lb. tins, at New York, N. Y.

SHIPPED: 7-28-53, imported from India.

LIBELED: 10-5-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-28-54. Default—destruction.

**21840. Shelled peanuts.** (F. D. C. No. 37089. S. No. 68-569 L.)

QUANTITY: 11 117-lb. bags and 1 50-lb. bag at Brooklyn, N. Y.

\*See also No. 21818.

SHIPPED: 3-11-54, from Williamston, N. C.

LIBELED: 9-16-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-20-54. Consent—claimed by Havmor Food Products, Inc. 55½ lbs. destroyed and 53¾ lbs. lost in segregation operations.

**21841. Unshelled peanuts. (F. D. C. No. 36973. S. No. 89-529 L.)**

QUANTITY: 14 100-lb. bags at Bismarck, N. Dak., in possession of the Nash-Finch Co.

SHIPPED: Between 11-21-53 and 6-23-54, from Suffolk, Va.

LIBELED: 9-12-54, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent and insect filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-14-54. Default—destruction.

**21842. Pecan pieces and raisins. (F. D. C. No. 36925. S. Nos. 85-393/4 L.)**

QUANTITY: 2 30-lb. cartons (pecan pieces) and 30 30-lb. cartons (raisins) at Hibbing, Minn.

SHIPPED: Between 10-10-53 and 8-6-54, from Birmingham, Ala., and Fresno, Calif.

LIBELED: 8-25-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-18-54. Default—consumption by animals.

**21843. Shelled walnuts. (F. D. C. No. 36926. S. No. 85-990 L.)**

QUANTITY: 42 25-lb. cartons at Minneapolis, Minn.

SHIPPED: 12-4-53, from Whittier, Calif.

LIBELED: 8-25-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 9-20-54. Consent—claimed by the Candymasters Co.; 575 lbs. destroyed.

**21844. Unshelled walnuts. (F. D. C. No. 36947. S. No. 89-521 L.)**

QUANTITY: 7 100-lb. bags at Minneapolis, Minn.

SHIPPED: Between 11-4-53 and 11-14-53, from Los Angeles, Calif.

LIBELED: 9-13-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect filth, decomposed walnuts, and empty shells while held for sale.

DISPOSITION: 11-3-54. Default—destruction.

**SPICES, FLAVORS, AND SEASONING MATERIALS\***

**21845. Dried chilies. (F. D. C. No. 37069. S. Nos. 68-631 L, 68-635 L, 68-638 L.)**

QUANTITY: 249 100-lb. bags at New York, N. Y.

SHIPPED: Between 1-20-53 and 1-28-54, imported from Japan.

\*See also Nos. 21807, 21817, 21820.

LIBELED: 8-30-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect filth while held for sale.

DISPOSITION: 11-12-54. Consent—claimed by the Otto Gerdau Co.; 3,044 lbs. destroyed and 156 lbs. lost, in segregation operations.

**21846. Fennel seed.** (F. D. C. No. 37093. S. No. 68-639 L.)

QUANTITY: 157 110-lb. bags at New York, N. Y.

SHIPPED: 3-13-53, imported from Argentina.

LIBELED: 9-13-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect and rodent filth while held for sale.

DISPOSITION: 9-29-54. Consent—claimed by Louis Furth, Inc.; 1,000 lbs. destroyed and 243 lbs. lost in segregation operations.

**21847. Fennel seed.** (F. D. C. No. 37094. S. No. 68-640 L.)

QUANTITY: 68 110-lb. bags at New York, N. Y.

SHIPPED: 3-30-53, imported from India.

LIBELED: 9-13-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect and rodent filth while held for sale.

DISPOSITION: 10-1-54; amended 3-10-55. Consent—claimed by Kellys America, Ltd., and converted to wild bird feed.

**21848. Fennel seed.** (F. D. C. No. 37282. S. No. 68-644 L.)

QUANTITY: 30 120-lb. bags at New York, N. Y.

SHIPPED: 5-13-53, imported from India.

LIBELED: 10-7-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-25-54. Consent—claimed by Karl H. Landes & E. Balint, Inc.; 138 lbs. destroyed and 33 lbs. lost in segregation operations.

**21849. Poppyseed, blue poppyseed, and hulled sesame seed.** (F. D. C. No. 36813. S. Nos. 88-666 L, 88-668/9 L.)

QUANTITY: 1 110-lb. bag (poppyseed), 1 25-lb bag (blue poppyseed), and 2 101-lb. bags (hulled sesame seed) at Minneapolis, Minn., in possession of Brechet & Richter Co.

SHIPPED: Between 1-30-53 and 4-7-54, from New York, N. Y.

LIBELED: 6-1-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth (all lots) and a decomposed substance (blue poppyseed); and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-1-54. Default—consumption by animals.

**21850. Red pepper, chili powder, chili pepper, and chili tepines.** (F. D. C. No. 36814. S. Nos. 85-704/9 L.)

QUANTITY: 89 4-oz. cans (red pepper); 292 4-oz. cans, 732 2½-oz. cans, and 15 3-lb. boxes (chili powder); 233 1-oz. cans (chili pepper); and 302 1¼-oz. boxes (chili tepines), at Lubbock, Tex.

SHIPPED: 6-1-53, from San Francisco, Calif.

LIBELED: 7-20-54, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-28-54. Default—destruction.

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## SHIPPIERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Brechet & Richter Co.:		Bricelyn Co-Operative Canning	
poppyseed, blue poppyseed, and		Association :	
hulled sesame seed	21849	cornstarch and salt	21820

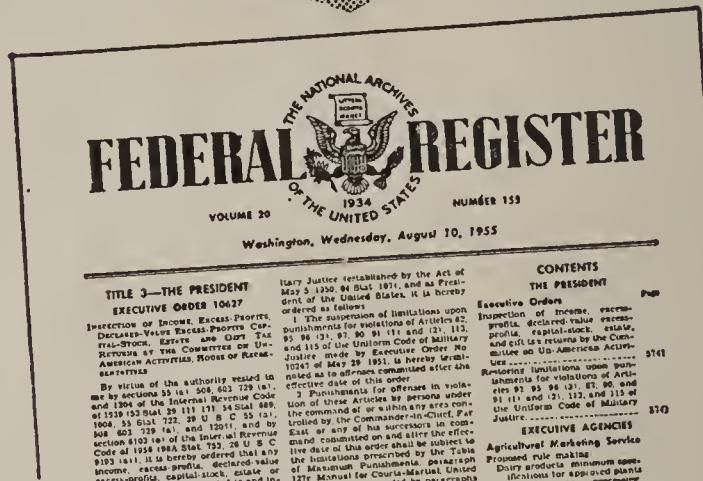
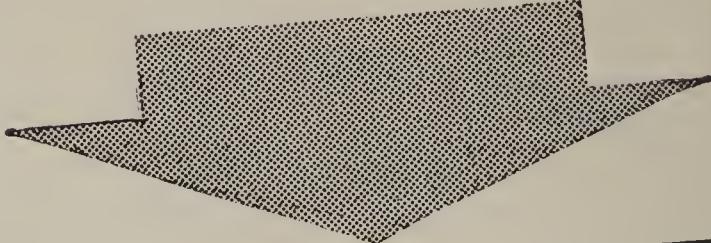
	N. J. No.		N. J. No.
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cheese-----	21822	rice, flour, small white beans, and prunes-----	21816
Campbell Wholesale Grocery Co., Inc.:		Nash-Finch Co.:	
flour -----	21805	unshelled peanuts-----	21841
Celle, G. B., Co.:		New York Tea Co.:	
cheese-----	21823	wild rice, poppyseed, and green split peas-----	21817
Delchamps, Inc.:		Producer's Rice Mill, Inc.:	
flour -----	21801	rice -----	21810
Dobson Flour Co.:		Richmond Warehouse Corp.:	
flour and cornmeal-----	21806	navy beans -----	21836
Eastern Shore Canning Co.:			
black-eyed beans-----	21834		

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The Federal Register publishes the full text of Presidential Proclamations and Executive Orders, and the rules and regulations of the various Departments of the Federal Government.

**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21851-21900

**FOODS**

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U. S. DEPARTMENT OF AGRICULTURE

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections while held for sale after shipment in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation at the time of shipment, and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 15, 1955.

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## CEREALS AND CEREAL PRODUCTS

## FLOUR

21851. Flour. (F. D. C. No. 36945. S. No. 66-273 L.)

QUANTITY: 370 100-lb. bags at Port Huron, Mich., in possession of E. B. Muller & Co.

SHIPPED: 5-18-54, from Minneapolis, Minn.

LIBELED: 9-8-54, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained insect filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-17-55. Consent—claimed by E. B. Muller & Co. Converted to animal feed.

21852. Flour. (F. D. C. No. 37328. S. No. 71-558 L.)

QUANTITY: 40 100-lb. bags at New York, N. Y., in possession of Grossmac Trucking & Warehousing Corp.

SHIPPED: 9-7-54, from New Prague, Minn.

LIBELED: 11-3-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-23-54. Default—destruction.

21853. Flour. (F. D. C. No. 37322. S. No. 60-725 L.)

QUANTITY: 217 10-lb. bags at Waynesboro, Ga., in possession of Waynesboro Grocery Co.

SHIPPED: 9-14-54, from Chattanooga, Tenn.

LIBELED: 10-26-54, S. Dist. Ga.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-18-55. Default—consumption by animals.

21854. Flour. (F. D. C. No. 36935. S. No. 88-741 L.)

QUANTITY: 10 100-lb. bags at Watertown, S. Dak., in possession of General Mills, Inc.

SHIPPED: 6-8-54, from Great Falls, Mont.

LIBELED: 9-17-54, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-1-54. Consent—claimed by General Mills, Inc. Converted to animal feed.

21855. Flour. (F. D. C. No. 37006. S. No. 89-473 L.)

QUANTITY: 15 50-lb. bags at Waseca, Minn., in possession of Southern Minnesota Grocery Co.

SHIPPED: 8-28-54, from Grand Forks, N. Dak.

LIBELED: 10-22-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-17-55. Default—destruction.

21856. Flour. (F. D. C. No. 37106. S. Nos. 60-735/7 L.)

QUANTITY: 65 100-lb. bags at Jacksonville, Fla.

SHIPPED: Between 5-18-54 and 8-19-54, from Louisville, Ky., Springfield, Ill., and Alton, Ill.

LIBELED: 9-20-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insect filth while held for sale.

DISPOSITION: 10-27-54. Consent—claimed by Clark & Lewis Co. Converted to animal feed.

21857. Flour. (F. D. C. No. 36985. S. No. 72-778 L.)

QUANTITY: 23 50-lb. bags at Farmington, Mo.

SHIPPED: 8-12-54, from Wichita, Kans.

LIBELED: 10-1-54, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-4-54. Default—consumption by animals.

21858. Flour. (F. D. C. No. 36930. S. No. 89-285 L.)

QUANTITY: 39 25-lb. bags at Blytheville, Ark.

SHIPPED: 6-28-54, from Yukon, Okla.

LIBELED: 8-31-54, E. Dist. Ark.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-7-54. Default—consumption by animals.

21859. Flour. (F. D. C. No. 36936. S. No. 88-742 L.)

QUANTITY: 9 100-lb. bags at Yankton, S. Dak.

SHIPPED: 8-11-54, from Norfolk, Nebr.

LIBELED: 9-15-54, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-26-54. Default—destruction.

21860. Flour. (F. D. C. No. 37326. S. No. 60-728 L.)

QUANTITY: 27 25-lb. bags at Vidalia, Ga.

SHIPPED: Between 7-15-54 and 8-25-54, from Chicago, Ill.

LIBELED: 11-1-54, S. Dist. Ga.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-29-54. Default—destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

21861. Corn grits. (F. D. C. No. 36955. S. No. 85-580 L.)

QUANTITY: 622 100-lb. bags at Denver, Colo.

SHIPPED: 7-29-54, from Crete, Nebr.

LIBELED: 9-14-54, Dist. Colo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-21-54. Consent—claimed by Tivoli-Union Co. 35 100-lb. bags converted to animal feed.

\*See also No. 21888.

21862. Corn grits. (F. D. C. No. 36980. S. No. 81-861 L.)

QUANTITY: 283 90-lb. bags at Oklahoma City, Okla.

SHIPPED: 6-29-54, from Bonner Springs, Kans.

LIBELED: 9-28-54, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-11-54. Consent—claimed by Progress Brewing Co., Inc. Converted to animal feed.

21863. Malt and brewers grits. (F. D. C. No. 36946. S. Nos. 88-744/5 L.)

QUANTITY: 38,200 lbs. (malt) and 25,300 lbs. (brewers grits) at Sioux City, Iowa.

SHIPPED: Between 7-22-54 and 8-8-54, from Paris, Ill., and Twin City, TFR, Minn.

LIBELED: 9-10-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insect filth (brewers grits and malt) and rodent filth (malt) while held for sale.

DISPOSITION: 9-15-54. Consent—claimed by Sioux City Brewing Co. Converted to animal feed.

21864. Unpopped popcorn. (F. D. C. No. 37314. S. Nos. 71-551/6 L.)

QUANTITY: 2,996 100-lb. bags at Bronx, N. Y.

SHIPPED: Between 6-22-54 and 7-13-54, from Webster, Ill.

LIBELED: 10-22-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-9-54. Consent—claimed by L. D. Harris Popcorn Corp. 113 bags destroyed.

21865. Unpopped popcorn. (F. D. C. No. 37313. S. No. 71-557 L.)

QUANTITY: 138 100-lb. bags at New York, N. Y.

SHIPPED: 11-16-53, from Murray, Ky.

LIBELED: 10-25-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-19-54. Consent—claimed by August J. Fischer, t/a Popcorn Growers & Distributors. Converted to pigeon feed.

21866. Unpopped popcorn. (F. D. C. No. 36968. S. No. 85-407 L.)

QUANTITY: 15 100-lb. bags at Aberdeen, S. Dak.

SHIPPED: Between 5-1-54 and 8-2-54, from Sac City and Sioux City, Iowa.

LIBELED: 9-30-54, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained insects and rodent filth while held for sale.

DISPOSITION: 11-9-54. Default—destruction.

21867. Rice and barley. (F. D. C. No. 37306. S. Nos. 80-775/7 L.)

QUANTITY: 200 bags, each containing 48 1-lb. pkgs., and 89 bags, each containing 30 1-lb. pkgs. (rice), and 32 cases, each containing 24 1-lb. cartons (barley), at Philadelphia, Pa., in possession of Jacob Kauffman.

SHIPPED: Between 3-26-52 and 11-1-53, from Kaplan, La., Stuttgart, Ark., and Marcellus Falls, N. Y.

LIBELED: 10-25-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-22-54; amended on 12-30-54 and 3-18-55. Consent. Claimed by Jacob Kauffman. Converted to animal feed.

21868. Rice. (F. D. C. No. 37311. S. No. 88-196 L.)

QUANTITY: 128 100-lb. bags at Washington, D. C., in possession of National Trucking & Storage Co., Inc.

SHIPPED: Between 4-9-54 and 7-19-54, from Houston, Tex.

LIBELED: 10-18-54, Dist. Columbia.

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-9-54. Consent—claimed by Washington Rice Co., Inc. Segregated, 40 lbs. destroyed.

21869. Rice. (F. D. C. No. 37113. S. Nos. 60-740/1 L.)

QUANTITY: 31 100-lb. bags at Jacksonville, Fla.

SHIPPED: Between 8-11-54 and 8-24-54, from Kaplan, La., and Crowley, La.

LIBELED: 9-27-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-22-54. Consent—claimed by Daylight Grocery Co. 45 lbs. destroyed.

21870. Rice. (F. D. C. No. 37312. S. No. 60-807 L.)

QUANTITY: 19 100-lb. bags at Charlotte, N. C.

SHIPPED: 8-24-54, from Rayne, La.

LIBELED: 10-21-54, W. Dist. N. C.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-27-54. Default—consumption by animals.

21871. Rice. (F. D. C. No. 36963. S. No. 44-084 L.)

QUANTITY: 17 100-lb. bags at Wichita, Kans.

SHIPPED: 8-16-54, from Carlisle, Ark.

LIBELED: 10-5-54, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-18-54. Default—destruction.

21872. Rice. (F. D. C. No. 36958. S. No. 82-025 L.)

QUANTITY: 7 100-lb. bags at Kansas City, Mo.

SHIPPED: 5-25-54, from Stuttgart, Ark.

LIBELED: 9-16-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-4-54. Consent—claimed by Morgan Grocery Co. Destruction.

21873. Doughnut mix and ground corn. (F. D. C. No. 36949. S. Nos. 82-687/8 L.)

QUANTITY: 5 100-lb. bags (doughnut mix) and 4 100-lb. bags (ground corn) at West Brownsville, Pa.

SHIPPED: Between 6-22-54 and 7-28-54, from Jackson, Mich., and Cleveland, Ohio.

LIBELED: 9-7-54, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-14-54. Default—destruction.

21874. Doughnut mix. (F. D. C. No. 36993. S. Nos. 83-809 L, 89-590 L.)

QUANTITY: 26 100-lb. bags at Minneapolis, Minn.

SHIPPED: Between 7-2-54 and 8-18-54, from Evansville, Ind.

LIBELED: 10-13-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-6-55. Default—consumption by animals.

21875. Sweet Doh mix. (F. D. C. No. 37117. S. No. 67-739 L.)

QUANTITY: 4 100-lb. bags at Jacksonville, Fla.

SHIPPED: 7-27-54, from Thomasville, Ga.

LIBELED: 9-28-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-19-54. Default—destruction.

## EGGS

21876. Eggs. (F. D. C. No. 36994. S. No. 90-511 L.)

QUANTITY: 277 cases, each case containing 30 doz., at Kansas City, Mo.

SHIPPED: 9-23-54, from Topeka, Kans., by Sam Pollman Egg Co.

LIBELED: 10-11-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 11-2-54. Default—consumption by animals.

21877. Frozen egg whites. (F. D. C. No. 37324. S. No. 68-782 L.)

QUANTITY: 35 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 8-2-54, from Shelbina, Mo.

LIBELED: 10-29-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 11-22-54. Default—destruction.

## FISH AND SHELLFISH

21878. Frozen fish fillets. (F. D. C. No. 37102. S. No. 58-403 L.)

QUANTITY: 28 cartons, each containing 8 10-lb. cartons, at Monmouth Beach, N. J.

SHIPPED: 7-1-54, from New York, N. Y.

LIBELED: 9-20-54, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 12-2-54. Default—destruction.

21879. Frozen shrimp. (F. D. C. No. 37101. S. Nos. 58-401/2 L.)

QUANTITY: 471 5-lb. cartons at Monmouth Beach, N. J.

SHIPPED: Between 7-8-54 and 7-22-54, from New York, N. Y.

LIBELED: 9-17-54, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed shrimp while held for sale.

DISPOSITION: 11-10-54. Default—destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

21880. Dried currants. (F. D. C. No. 36961. S. No. 55-520 L.)

QUANTITY: 232 30-lb. cases at Lyons, N. Y.

SHIPPED: 7-12-54, from San Francisco, Calif.

LIBELED: 9-20-54, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-12-54. Default—destruction.

21881. Dried black grapes and raisins. (F. D. C. No. 37110. S. Nos. 87-406/10 L.)

QUANTITY: 6 30-lb. cases (dried black grapes) and 17 30-lb. cases (raisins) at Seattle, Wash.

SHIPPED: Between 4-8-54 and 6-9-54, from Fresno, Calif.

LIBELED: 9-29-54, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-6-55. Default—consumption by animals.

21882. Prunes. (F. D. C. No. 37001. S. No. 85-266 L.)

QUANTITY: 184 cases, each containing 12 2-lb packages, at St. Cloud, Minn.

SHIPPED: 6-9-54, from San Francisco and San Jose, Calif.

LIBELED: 10-20-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-17-55. Default—consumption by animals.

21883. Dried pears, dried peaches, raisins, white figs, and black figs. (F. D. C. No. 37318. S. Nos. 78-051/4 L, 85-878/81 L.)

QUANTITY: 3 25-lb. cases and 5 cases, each containing 24 12-oz. pkgs. (dried pears); 3 25-lb. cases (dried peaches); 3 cases, each containing 36 15-oz. pkgs., and 7 30-lb. cases (raisins); 5 30-lb. cases (white figs); and 13 30-lb. cases (black figs), at St. Paul, Minn.

SHIPPED: Between 11-12-52 and 12-4-53, from San Jose, San Francisco, and Fresno, Calif.

LIBELED: 10-28-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-18-55. Default—consumption by animals.

21884. Raisins. (F. D. C. No. 36959. S. Nos. 83-615/6 L.)

QUANTITY: 165 30-lb. cases at Des Moines, Iowa.

SHIPPED: Between 3-24-54 and 6-15-54, from Fresno, Calif.

LIBELED: 9-15-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-19-54. Default—consumption by animals.

21885. Raisins. (F. D. C. No. 36975. S. No. 83-617 L.)

QUANTITY: 109 30-lb. cases at Des Moines, Iowa.

SHIPPED: 7-26-54, from Fresno, Calif.

LIBELED: 9-24-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-22-54. Default—consumption by animals.

21886. Raisins. (F. D. C. No. 37325. S. No. 60-199 L.)

QUANTITY: 17 30-lb. cartons at Tampa, Fla.

SHIPPED: 2-19-54, from Oakland, Calif.

LIBELED: 10-26-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-3-54. Default—destruction.

## VEGETABLES

21887. Pinto beans. (F. D. C. No. 36917. S. No. 89-551 L.)

QUANTITY: 16 100-lb. bags at Waseca, Minn., in possession of Southern Minnesota Wholesale Grocery Co.

SHIPPED: 5-6-54, from Morrill, Nebr.

LIBELED: 8-11-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-24-54. Consent—claimed by Southern Minnesota Wholesale Grocery Co. 1,360 lbs. converted to animal feed.

21888. Pinto beans and rice. (F. D. C. No. 37327. S. Nos. 75-611 L, 75-622/3 L.)

QUANTITY: 6 100-lb. bags (pinto beans) and 29 100-lb. bags and 95 10-lb. bags (rice) at Wilmington, N. C.

SHIPPED: Between 3-2-54 and 9-7-54, from Norfolk, Va., and Rayne, La.

LIBELED: 11-5-54, E. Dist. N. C.

CHARGE: 402 (a) (3)—all lots contained insects and the rice contained rodent filth while held for sale.

DISPOSITION: 1-27-55. Default—destruction.

21889. Canned yam sweetpotatoes. (F. D. C. No. 37490. S. No. 11-085 M.)

QUANTITY: 260 cases, each containing 48 11-oz. cans, at Houston, Tex.

SHIPPED: 5-20-54, from San Juan, P. R.

LIBELED: 12-28-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-1-55. Default—destruction.

**TOMATOES**

21890. Canned tomatoes. (F. D. C. No. 37003. S. No. 68-146 L.)

QUANTITY: 411 cases, each containing 6 6-lb., 6-oz. cans, at Birmingham, Ala.

SHIPPED: 9-12-52, from Modesto, Calif.

LIBELED: 10-18-54, N. Dist. Ala.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 11-23-54. Default—destruction.

**NUTS AND NUT PRODUCTS**

21891. Unshelled peanuts. (F. D. C. No. 36992. S. No. 86-060 L.)

QUANTITY: 6 100-lb. bags at La Crosse, Wis.

SHIPPED: On or about 8-23-54, from Suffolk, Va.

LIBELED: 10-11-54, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-16-54. Default—consumption by animals.

21892. Shelled walnuts. (F. D. C. No. 36942. S. No. 89-524 L.)

QUANTITY: 40 55-lb. cases at Minneapolis, Minn.

SHIPPED: 4-7-54, from New York, N. Y.

LIBELED: 9-3-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect filth and decomposed substance while held for sale.

DISPOSITION: 10-12-54. Consent—claimed by May Brothers. 535 lbs. destroyed.

21893. Shelled walnuts. (F. D. C. No. 36934. S. Nos. 83-767 L, 89-555 L.)

QUANTITY: 11 25-lb. cartons and 27 55-lb. cartons at Minneapolis, Minn.

SHIPPED: 7-10-54, from New York, N. Y.

LIBELED: 9-1-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged, moldy, and rancid walnuts while held for sale.

DISPOSITION: 11-2-54; amended 4-19-55. Consent—claimed by Martin Brokerage Co. Destruction.

21894. Shelled walnuts. (F. D. C. No. 36943. S. No. 85-402 L.)

QUANTITY: 116 5-lb. cartons at Minneapolis, Minn.

SHIPPED: 4-7-54, from New York, N. Y.

LIBELED: 9-7-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect filth while held for sale.

DISPOSITION: 10-12-54. Consent—claimed by May Brothers. 260 lbs. destroyed.

21895. Coconut sweepings and desiccated coconut. (F. D. C. No. 36937. S. No. 89-520 L.)

QUANTITY: 1 46-lb. box (coconut sweepings) and 5 100-lb. (desiccated coconut) at Minneapolis, Minn., in possession of Chicago, St. Paul, Minneapolis & Omaha Railway Co.

SHIPPED: 7-1-54, imported from Philippine Islands.

LIBELED: 9-2-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect filth, stones, wood splinters, and non-descript dirt; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-18-54. Default—consumption by animals.

## SPICES, FLAVORS, AND SEASONING MATERIALS

21896. Chilies. (F. D. C. No. 37068. S. No. 68-637 L.)

QUANTITY: 90 100-lb. bags at New York, N. Y.

SHIPPED: 1-28-54, imported from Japan.

LIBELED: 8-30-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect filth while held for sale.

DISPOSITION: 9-20-54. Consent—claimed by Kellys America, Ltd. 1,642 lbs. destroyed; 128 lbs. lost during reconditioning.

21897. Chilies. (F. D. C. No. 37115. S. No. 49-767 L.)

QUANTITY: 2,300 lbs. (in 22 bags) at New York, N. Y.

SHIPPED: 11-9-53, imported from Turkey.

LIBELED: 10-5-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-5-54. Consent—claimed by William M. Allison & Co. 312 lbs. destroyed; 13 lbs. lost in cleaning process.

21898. Cumin seed. (F. D. C. No. 37116. S. No. 49-768 L.)

QUANTITY: 10 150-lb. bags at New York, N. Y.

SHIPPED: 9-15-53, imported from Turkey.

LIBELED: 10-5-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-28-54. Default—destruction.

21899. Basil leaves and spice leaves. (F. D. C. No. 36952. S. Nos. 81-126 L, 81-128 L.)

QUANTITY: 19 60-lb. bags (basil leaves) and 99 80-lb. bags (spice leaves) at San Francisco, Calif., in possession of Farnsworth & Ruggles Warehouse.

SHIPPED: Between 2-23-54 and 3-3-54, imported from a foreign country.

LIBELED: 9-10-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-11-54. Consent—claimed by H. M. Newhall & Co. 8 lbs. basil leaves destroyed; 30 lbs. spice leaves destroyed.

21900. Spice leaves. (F. D. C. No. 36951. S. No. 81-127 L.)

QUANTITY: 22 70-lb. bags at San Francisco, Calif., in possession of Commercial Seed Cleaning Co.

SHIPPED: On or about 12-1-53, imported from France.

LIBELED: 9-10-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-11-54. Consent—claimed by H. M. Newhall & Co. 35 lbs. destroyed.

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#### SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

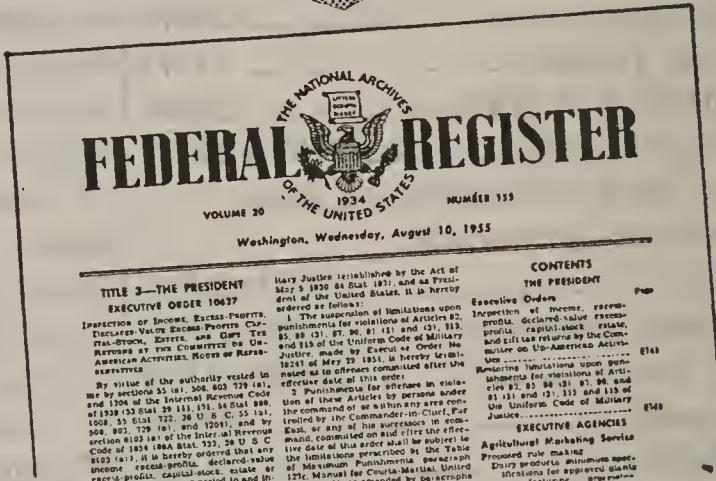
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	flour ----- 21853

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**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

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**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21901-21950

**FOODS**

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The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections when introduced into and while in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation while held for sale after shipment in interstate commerce, and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C.,

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**CANDY**

**21901. Candy.** (F. D. C. No. 37535. S. No. 13-017 M.)

**QUANTITY:** 31 25-lb. cans at Wilmington, Del.

**SHIPPED:** 11-23-54, from Philadelphia, Pa., by Victorian Candy Co.

**LIBELED:** 12-16-54, Dist. Del.

**LABEL, IN PART:** "Brilliant Mixture."

**CHARGE:** 402 (a) (3)—contained textile fibers, wood fragments, and dirt particles; and 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 1-21-55. Default—destruction.

**21902. Candy.** (F. D. C. No. 37545. S. No. 12-175 M.)

**QUANTITY:** 38 cases, each containing 12 boxes of 12 candy canes each, at Brooklyn, N. Y., of which 29 boxes were seized.

**SHIPPED:** Between 11-18-54 and 11-30-54, from Philadelphia, Pa., by J. Schwartz & Sons (Victorian Candy Co.).

**LIBELED:** 12-23-54, E. Dist. N. Y.

**LABEL, IN PART:** (Box) "Victorian Candy Canes."

**CHARGE:** 402 (a) (3)—contained textile fiber and wood fragments; and, 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 2-16-55. Default—destruction.

**21903. Candy.** (F. D. C. No. 37541. S. No. 2-672 M.)

**QUANTITY:** 48 cartons, each containing 24 trays of 6 candy bars each, at Baltimore, Md.

**SHIPPED:** 12-1-54, from Washington, D. C. (return shipment).

**LIBELED:** On or about 12-18-54, Dist. Md.

**LABEL, IN PART:** (Bar) "Chunky Milk Chocolate Net Wt. ¾ Oz."

**CHARGE:** 402 (a) (3)—contained insects and insect parts when shipped.

**DISPOSITION:** 1-10-55. Default—destruction

**21904. Candy.** (F. D. C. No. 37454. S. No. 2-161 M.)

**QUANTITY:** 6 25-lb. cartons at Charleston, W. Va.

**SHIPPED:** 10-14-54, from Philadelphia, Pa., by Falcon Nut & Candy Co.

**LIBELED:** 12-1-54, S. Dist. W. Va.

**LABEL, IN PART:** "Falcon Dainty Mints."

**CHARGE:** 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 1-4-55. Default—destruction.

**21905. Bubble gum.** (F. D. C. No. 37451. S. Nos. 6-064/5 M.)

**QUANTITY:** 70 boxes, 160 pieces each, and 14 boxes, 320 pieces each, at Evansville, Ind.

**SHIPPED:** 11-2-54, from Shelby, Ohio, by Shelby Gum Co.

**LIBELED:** 12-1-54, S. Dist. Ind.

**LABEL, IN PART:** "E-Z-Blo" or "Blo Bubble Super Duper Shelby's."

**CHARGE:** 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 1-10-55. Default—destruction.

**21906. Bubble gum.** (F. D. C. No. 37458. S. No. 10-049 M.)

QUANTITY: 5 cases, each containing 12 boxes of 160 pieces each, at Fort Dodge, Iowa.

SHIPPED: 11-4-54, from Shelby, Ohio, by Shelby Gum Co.

LIBELED: 12-7-54, N. Dist. Iowa.

LABEL, IN PART: "E-Z-Blo" or "Super Duper Shelby's Blo Bubble."

CHARGE: 402(a)(3)—contained insect parts and rodent hairs; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 1-7-55. Default—destruction.

**21907. Bubble gum.** (F. D. C. No. 36977. S. No. 61-666 L.)

QUANTITY: 52 boxes, 160 pieces each, at Tulsa, Okla.

SHIPPED: 8-19-54, from Shelby, Ohio, by Shelby Gum Co.

LIBELED: 9-28-54, N. Dist. Okla.

LABEL, IN PART: "E-Z-Blo" and "Blo Bubble Super Duper Shélby's."

CHARGE: 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-29-54. Default—destruction.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**21908. Flour.** (F. D. C. No. 37435. S. No. 6-761 M.)

QUANTITY: 263 50-lb. bags at Pocatello, Idaho.

SHIPPED: 10-10-54, from Logan, Utah, by Central Milling Co.

LIBELED: 11-29-54, Dist. Idaho.

LABEL, IN PART: "Red Rose \* \* \* Hard Wheat High Patent Bleached Enriched Flour Bromated."

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-10-54. Consent—claimed by Central Milling Co. Converted to animal feed.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**21909. Unpopped popcorn.** (F. D. C. No. 37537. S. No. 12-824 M.)

QUANTITY: 240 100-lb. bags at Philadelphia, Pa.

SHIPPED: 10-1-54, from New York, N. Y., by Premier Popcorn Co.

LIBELED: 12-17-54, E. Dist. Pa.

LABEL, IN PART: "L. D. Harris Brand Hybrid Plus 30 Pop Corn."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 3-30-55. Consent—claimed by Premier Popcorn Co. Converted to animal feed.

**21910. Unpopped popcorn.** (F. D. C. No. 36784. S. No. 88-862 L.)

QUANTITY: 8 101-lb. bags at Gladstone, Mich.

SHIPPED: 5-20-54, from Delaware, Ohio, by Northwest Popcorn & Seed Co.

LIBELED: 7-9-54, W. Dist. Mich.

LABEL, IN PART: "AAA Big Pop Pop Corn White Hulless."

CHARGE: 402 (a) (3)—contained rodent-gnawed kernels, rodent filth, and dirt; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-8-54. Default—consumption by animals.

**21911. Unpopped white popcorn and unpopped yellow popcorn.** (F. D. C. No. 37447. S. Nos. 10-522/3 M.)

QUANTITY: 21 cases of unpopped white popcorn and 20 cases of unpopped yellow popcorn at Fergus Falls, Minn. Each case contained 12 2-lb. bags.

SHIPPED: 10-12-54, from Sioux City, Iowa, by Robb-Ross Co.

LIBELED: 11-30-54, Dist. Minn.

LABEL, IN PART: (Bag) "Paul Bunyan Brand Hybrid Pop Corn."

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent excreta, and rodent-gnawed kernels when shipped.

DISPOSITION: 1-28-55. Default—consumption by animals.

**21912. Popped popcorn.** (F. D. C. No. 37007. S. No. 87-650 L.)

QUANTITY: 9 cases, 6 5-lb. bags each, at Portland, Oreg.

SHIPPED: 9-27-54 and 9-29-54, from Seattle, Wash., by Harlan Fairbanks Co.

LIBELED: 11-4-54, Dist. Oreg.

CHARGE: 402 (a) (3)—contained insect filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-22-54. Default—destruction.

**21913. Rice.** (F. D. C. Nos. 37507, 37518. S. Nos. 11-364 M, 11-366 M.)

QUANTITY: 1,200 100-lb. bags at New York, N. Y.

SHIPPED: 11-8-54 and 11-20-54, from New Orleans, La., by Seago Callender Co.

RESULTS OF INVESTIGATION: Investigation showed that the article was manufactured by Star Rice Mill, Inc., New Orleans, La.

LIBELED: 12-17-54, S. Dist. N. Y.

LABEL, IN PART: "No. 4 Zenith Rice."

CHARGE: 402 (a) (3)—contained insects and insect excreta; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-5-55. Consent—claimed by Lafayette Packing Co., New York, N. Y. 334 lbs. segregated as unfit and denatured.

## EGGS

**21914. Frozen eggs.** (F. D. C. No. 37446. S. No. 4-604 M.)

QUANTITY: 400 30-lb. cans at Troy, N. Y.

SHIPPED: 9-21-54, from Chicago, Ill., by Wilson & Co., Inc.

LIBELED: 11-27-54, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-18-55. Consent—claimed by Wilson & Co., Inc. 65 30-lb. cans segregated as unfit and destroyed.

**21915. Frozen eggs.** (F. D. C. No. 37516. S. No. 12-646 M.)

QUANTITY: 154 30-lb. cans at New York, N. Y.

SHIPPED: 11-22-54, from Bridgewater, Va., by Manhattan Egg Co., Inc. (Virginia Produce Co.).

LIBELED: 12-10-54, S. Dist. N. Y.

LABEL, IN PART: "Shenandoah Brand Frozen Whole Eggs."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-5-55. Consent—claimed by Manhattan Egg Co., Inc. 45 30-lb. cans segregated as unfit and denatured.

**21916. Frozen eggs.** (F. D. C. No. 36075. S. No. 37-557 L.)

QUANTITY: 30 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 9-30-53, from Newark, N. J., by Federal Frozen Foods Corp.

LIBELED: 10-27-53, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 3-11-54. Default—destruction.

## FISH AND SHELLFISH

**21917. Frozen ocean perch fillets.** (F. D. C. No. 37498. S. Nos. 2-827/8 M.)

QUANTITY: 209 cartons, 10 5-lb pkgs. each, at Watertown, Mass.

SHIPPED: 10-12-54, from Rockland, Maine, by Birds Eye Div., General Foods Corp.

LIBELED: 11-29-54, Dist. Mass.

LABEL, IN PART: (Pkg.) "Birds Eye Brand Frosted Foods Quick-Frozen Fillets of Ocean Perch."

CHARGE: 402 (a) (3)—contained decomposed fillets when shipped.

DISPOSITION: 3-21-55. Default—converted to chickenfeed.

**21918. Crabmeat.** (F. D. C. No. 35896. S. No. 67-558 L.)

QUANTITY: 64 1-lb. cans at Houston, Tex.

SHIPPED: 7-6-54, from Morgan City, La., by Ozio Fisheries.

LIBELED: On or about 7-22-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained a filthy animal substance (*E. coli* of fecal origin); and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-21-54. Default—destruction.

**21919. Crabmeat.** (F. D. C. No. 35897. S. No. 67-560 L.)

QUANTITY: 61 1-lb. cans at Houston, Tex.

SHIPPED: 7-7-54, from Morgan City, La., by Ozio Fisheries.

LIBELED: On or about 7-23-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained a filthy animal substance (*E. coli* of fecal origin); and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-20-54. Default—destruction.

**21920. Crabmeat.** (F. D. C. No. 35899. S. No. 67-246 L.)

QUANTITY: 42 1-lb. cans at Galveston, Tex.

SHIPPED: 7-8-54, from Morgan City, La., by Ozio Fisheries.

LIBELED: On or about 8-16-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained a filthy animal substance (*E. Coli* of fecal origin); and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-4-55. Default—destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

21921. Dried currants. (F. D. C. No. 36781. S. No. 89-653 L.)

QUANTITY: 25 30-lb. cases at Minneapolis, Minn.

SHIPPED: 4-30-54, from Fowler, Calif., by Pacific Raisin Co., Inc.

LIBELED: 7-10-54, Dist. Minn.

LABEL, IN PART: "Nonpareil Brand Currants."

CHARGE: 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-19-55. Default—destruction.

21922. Raisins. (F. D. C. No. 36906. S. No. 56-029 L.)

QUANTITY: 235 30-lb. cartons at Syracuse, N. Y.

SHIPPED: 5-14-54, from Del Rey, Calif., by Enoch Packing Co., Inc.

LIBELED: 7-30-54, N. Dist. N. Y.

LABEL, IN PART: "Airport Brand Midget Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-2-54. Default—destruction.

21923. Raisins. (F. D. C. No. 36953. S. No. 85-987 L.)

QUANTITY: 19 30-lb. cases at Minneapolis, Minn.

SHIPPED: 9-3-53, from Fresno, Calif., by Sun-Maid Raisin Growers.

LIBELED: 9-16-54, Dist. Minn.

LABEL, IN PART: "Sun-Maid Raisins Bakers' Seeded Muscats."

CHARGE: 402 (a) (3)—contained insect filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-6-55. Default—consumption by animals.

21924. Raisins. (F. D. C. No. 36908. S. No. 85-552 L.)

QUANTITY: 150 30-lb. cases at Denver, Colo.

SHIPPED: 7-1-54, from Clovis, Calif., by Clovis Fruit Co.

LIBELED: 7-29-54, Dist. Colo.

LABEL, IN PART: "KMC Brand Midget Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-28-54. Default—consumption by animals.

**21925. Select raisins and midget raisins.** (F. D. C. No. 36957. S. Nos. 75-769/70 L.)

**QUANTITY:** 152 cases of select raisins and 21 cases of midget raisins at Rock Island, Ill.

**SHIPPED:** 7-6-54, from Clovis, Calif., by Clovis Fruit Co.

**LIVELED:** 9-20-54, S. Dist. Ill.

**LABEL, IN PART:** "30 Lbs. Net Wt. Raisin Bowl \* \* \* Seedless Raisins."

**CHARGE:** 402 (a) (3)—contained insect and rodent filth; and, 402 (a) (4)—prepared under insanitary conditions.

**DISPOSITION:** 10-28-54. Default—destruction.

### FRESH FRUIT

**21926. Fresh blueberries.** (F. D. C. No. 35903. S. No. 66-440 L.)

**QUANTITY:** 20 cases, 16 1-quart boxes each, at Chicago, Ill.

**SHIPPED:** 8-12-54 and 8-15-54, from Hartford, Mich., by Berlin St. John.

**LIVELED:** 8-18-54, N. Dist. Ill.

**CHARGE:** 402 (a) (3)—contained maggots when shipped.

**DISPOSITION:** 10-5-54. Default—destruction.

**21927. Fresh blueberries.** (F. D. C. No. 35907. S. No. 76-826 L.)

**QUANTITY:** 10 crates, 24 1-quart boxes each, at Boston, Mass.

**SHIPPED:** 8-15-54, from New Ipswich, N. H., by Amanda Koivula.

**LIVELED:** 8-16-54, Dist. Mass.

**CHARGE:** 402 (a) (3)—contained maggots when shipped.

**DISPOSITION:** 9-15-54. Default—destruction.

**21928. Fresh blueberries.** (F. D. C. No. 35908. S. No. 76-827 L.)

**QUANTITY:** 8 crates, 24 1-quart boxes each, at Boston, Mass.

**SHIPPED:** 8-14-54, from Union, N. H., by John D. Tufts.

**LIVELED:** 8-16-54, Dist. Mass.

**CHARGE:** 402 (a) (3)—contained maggots when shipped.

**DISPOSITION:** 9-14-54. Default—destruction.

**21929. Fresh blueberries.** (F. D. C. No. 35904. S. Nos. 76-814 L, 76-815 L.)

**QUANTITY:** 1 crate containing 24 1-quart boxes, 1 crate containing 32 1-quart boxes, and 3 crates, each containing 24 1-quart boxes, at Boston, Mass.

**SHIPPED:** 8-9-54, from Winslows Mills, Maine, (1 24-quart crate and 1 32-quart crate) by Chester Flye and Florence Flye and (3 24-quart crates) by Rose E. Welt.

**LIVELED:** 8-11-54, Dist. Mass.

**CHARGE:** 402 (a) (3)—contained maggots when shipped.

**DISPOSITION:** 9-13-54. Default—destruction.

**21930. Fresh blueberries.** (F. D. C. No. 35906. S. No. 76-817 L.)

**QUANTITY:** 5 crates, 24 1-quart boxes each, at Boston, Mass.

SHIPPED: 8-10-54, from Center Barnstead, N. H., by Kenneth Pitman.

LIBELED: 8-11-54, Dist. Mass.

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 9-14-54. Default—destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

21931. Powdered St.-John's-bread (carob beans). (F. D. C. No. 36533. S. No. 83-101 L.)

QUANTITY: 5 125-lb bags at Chicago, Ill.

SHIPPED: 2-9-54, from Jersey City, N. J., by S. B. Penick & Co.

LIBELED: 4-27-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insect and rodent filth when shipped.

DISPOSITION: 10-26-54. Default—destruction.

21932. Olives. (F. D. C. No. 36794. S. No. 43-566 L.)

QUANTITY: 30 drums at Boston, Mass.

SHIPPED: 3-30-54, from Terra Bella, Calif., by Regina Olive Products Co.

LIBELED: 5-12-54, Dist. Mass.

LABEL, IN PART: "Medium Salt Cured Oil Coated Mission Olives Net Wt 50 Lbs."

CHARGE: 402 (a) (3)—contained insects and moldy olives; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-19-54. Default—destruction.

21933. Olives. (F. D. C. No. 36855. S. No. 5-303 L.)

QUANTITY: 14 drums at Boston Mass.

SHIPPED: 3-5-54, from Terra Bella, Calif., by Regina Olive Products Co.

LIBELED: 6-24-54, Dist. Mass.

LABEL, IN PART: "Salt Cured Oil Coated Mission Olives Net Wt. 50 Lbs."

CHARGE: 402 (a) (3)—contained insect and rodent filth and moldy olives; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-19-54. Default—destruction.

21934. Large olives and mammoth olives. (F. D. C. No. 36516. S. No. 43-557 L.)

QUANTITY: 25 kegs of large olives and 5 kegs of mammoth olives at Boston, Mass.

SHIPPED: 3-23-54, from Terra Bella, Calif., by Regina Olive Products Co.

LIBELED: 4-20-54, Dist. Mass.

LABEL, IN PART: "Salt Cured Oil Coated Mission Olives Net Wt. 50 Lbs."

CHARGE: 402 (a) (3)—contained insect and rodent filth and moldy olives; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-19-54. Default—destruction.

21935. Canned sauerkraut. (F. D. C. No. 37753. S. No. 13-141 M.)

QUANTITY: 175 cases, 24 1-lb., 11-oz. cans each, at Scranton, Pa.

SHIPPED: 11-29-54, from Palmyra, N. Y., by L. C. Forman & Sons, Inc.

LIBELED: 1-19-55, M. Dist. Pa.

LABEL, IN PART: (Can) "Forman's Sauerkraut."

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-14-55. Default—destruction.

### TOMATOES AND TOMATO PRODUCTS

21936. Canned tomatoes. (F. D. C. No. 37474. S. No. 10-889 M.)

QUANTITY: 34 cases, 24 1-lb., 3-oz. cans each, at Birmingham, Ala.

SHIPPED: 11-1-54, from Hamlin, N. Y., by Abraham Lustig, Inc.

LIBELED: 12-20-54, N. Dist. Ala.

LABEL, IN PART: (Can) "A & P Vine Ripened Tomatoes \* \* \* Grade A."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-20-55. Default—destruction.

21937. Tomato juice (2 seizure actions). (F. D. C. Nos. 37469, 37470. S. Nos. 6-253/4 M.)

QUANTITY: 846 cases, 12 1-qt., 14-oz. cans each, at Cleveland, Ohio.

SHIPPED: 9-28-54 and 10-4-54, from Hamlin, N. Y., by Abraham Lustig, Inc.

LIBELED: 12-10-54 and 12-14-54, N. Dist. Ohio.

LABEL, IN PART: (Can) "Iona Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-13-55. Default—destruction.

21938. Tomato juice. (F. D. C. No. 37459. S. No. 11-367 M.)

QUANTITY: 601 cases, 24 1-pt., 2-oz. cans each, at New Orleans, La.

SHIPPED: 9-30-54, from Hamlin, N. Y., by Abraham Lustig, Inc.

LIBELED: 12-10-54, E. Dist. La.

LABEL, IN PART: (Can) "Iona Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-21-55. Default—destruction.

21939. Tomato juice. (F. D. C. No. 37450. S. No. 15-802 M.)

QUANTITY: 297 cases, 12 1-qt., 14-oz. cans each, at Havre, Mont.

SHIPPED: 10-6-54, from Sunnyside, Wash., by Varney's, Inc.

LIBELED: 12-2-54, Dist. Mont.

LABEL, IN PART: (Can) "Varney Brand Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 2-15-55. Default—destruction.

21940. Tomato juice. (F. D. C. No. 37543. S. No. 2-171 M.)

QUANTITY: 144 cases, 12 1-qt., 14-oz. cans each, at Clarksburg, W. Va.

SHIPPED: 9-16-54, from Littlestown, Pa., by B. F. Shriver Co.

LIBELED: 12-20-54, N. Dist. W. Va.

LABEL, IN PART: (Can) "Shriver's A No. One \* \* \* Tomato Juice."

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-2-55. Default—destruction.

**21941. Tomato juice.** (F. D. C. No. 37056. S. No. 87-866 L.)

QUANTITY: 75 cases, 12 1-qt., 14-oz. cans each, at Philadelphia, Pa.

SHIPPED: 3-8-54 and 6-10-54, from New Church, Va., by H. E. Kelley & Co., Inc.

LIBELED: 8-30-54, E. Dist. Pa.

LABEL, IN PART: (Can) "Kelley's Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-20-54. Default—destruction.

**21942. Tomato juice.** (F. D. C. No. 37075. S. No. 77-112 L.)

QUANTITY: 63 cases, 12 1-qt., 14-oz. cans each, at Vineland, N. J.

SHIPPED: 8-6-54, from New Church, Va., by H. E. Kelley & Co., Inc.

LIBELED: On or about 9-7-54, Dist. N. J.

LABEL, IN PART: (Can) "Kelley's Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-11-54. Default—consumption by animals.

**21943. Tomato sauce.** (F. D. C. No. 36989. S. No. 90-332 L.)

QUANTITY: 157 cases, 48 8-oz. cans each, at North Kansas City, Mo.

SHIPPED: 7-23-53, from Los Fresnos, Tex., by Los Fresnos Canning Co.

LIBELED: On or about 10-8-54, W. Dist. Mo.

LABEL, IN PART: (Can) "Garth Brand Spanish Style Tomato Sauce."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 11-23-54. Default—destruction.

## NUTS

**21944. Unshelled brazil nuts.** (F. D. C. No. 37456. S. No. 6-709 M.)

QUANTITY: 3 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 10-9-53, from New York, N. Y., by Red Line Commercial Co., Inc.

LIBELED: 11-30-54, S. Dist. Ohio.

LABEL, IN PART: "Brazil Nuts Cliff House Brand."

CHARGE: 402 (a) (3)—contained decomposed nuts when shipped.

DISPOSITION: 1-14-55. Default—consumption by animals.

**21945. Unshelled brazil nuts and unshelled mixed nuts.** (F. D. C. No. 37444. S. Nos. 6-695 M, 6-701 M.)

QUANTITY: 7 50-lb. bags of brazil nuts and 19 cases, 24 1-lb. bags each, of mixed nuts at Cincinnati, Ohio.

SHIPPED: 9-29-54, from Chicago, Ill., by Robert L. Berner Co.

LIBELED: 11-24-54, S. Dist. Ohio.

LABEL, IN PART: (50-lb. bag) "Holiday Brazil Nuts Extra Large Product of Brazil" and (1-lb. bag) "Holiday Brand."

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed nuts, shriveled nuts, and empty shells, in both lots, and insects, in the 19-case lot, when shipped.

DISPOSITION: 12-6-54. Default—consumption by animals.

**21946. Unshelled pecans.** (F. D. C. No. 37332. S. No. 66-428 L.)

QUANTITY: 345 100-lb. bags at Chicago, Ill.

SHIPPED: 2-8-54, from Memphis, Tenn., by H. Iskiwitz, & Co.

LIBELED: 11-1-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained moldy and rancid pecans and had an objectionable burned taste when shipped.

DISPOSITION: 3-10-55. Default—destruction.

**21947. Pecan meats.** (F. D. C. No. 36897. S. No. 60-506 L.)

QUANTITY: 28 30-lb. cartons at Miami, Fla.

SHIPPED: 6-8-54, from Cairo, Ga., by Sam A. Pierce, Inc.

LIBELED: 7-28-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained *E. coli.*; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-8-54. Default—destruction.

**21948. Pecan meats.** (F. D. C. No. 36474. S. No. 58-150 L.)

QUANTITY: 5 50-lb. cases at Chicago, Ill.

SHIPPED: 1-4-54, from Mobile, Ala., by Finklea Pecan Co.

LIBELED: 4-2-54, N. Dist. Ill.

LABEL, IN PART: "Southern Jewel Pecans."

CHARGE: 402 (a) (3)—contained moldy pecans when shipped.

DISPOSITION: 10-5-54. Default—destruction.

## POULTRY

**21949. Dressed poultry.** (F. D. C. No. 37339. S. No. 24-420 L.)

QUANTITY: 719 lbs. in 11 crates at New York, N. Y.

SHIPPED: 10-19-54, from Morrill, Maine, by Merrymeeting Farm.

LIBELED: 11-4-54, S. Dist. N. Y.

CHARGE: 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 11-23-54. Default—destruction.

**21950. Dressed poultry.** (F. D. C. No. 36960. S. No. 74-556 L.)

QUANTITY: 10,680 lbs. in 710 boxes at Los Angeles, Calif.

SHIPPED: 8-13-54, from Dallas, Tex., by G. E. Foods, Inc.

LIBELED: 9-16-54, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained birds contaminated with crop material, extensively bruised birds, and improperly bled birds; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 10-25-54. Default—conversion into fertilizer tankage.

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## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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Birds Eye Div., General Foods Corp.: frozen ocean perch fillets----- 21917	G. E. Foods, Inc.: dressed poultry ----- 21950
Central Milling Co.: flour----- 21908	General Foods Corp. <i>See</i> Birds Eye Div., General Foods Corp.
Clovis Fruit Co.: raisins----- 21924, 21925	Harlan Fairbanks Co.: popped popcorn ----- 21912
Enoch Packing Co., Inc.: raisins----- 21922	Iskiwitz, H., & Co.: unshelled pecans ----- 21946
Falcon Nut & Candy Co.: candy----- 21904	Kelley, H. E., & Co., Inc.: tomato juice ----- 21941, 21942
Federal Frozen Foods Corp.: frozen eggs----- 21916	Koivula, Amanda: fresh blueberries ----- 21927
Finklea Pecan Co.: pecan meats----- 21948	Los Fresnos Canning Co.: tomato sauce ----- 21943
Flye, Chester, and Florence: fresh blueberries----- 21929	Lustig, Abraham, Inc.: tomato(es), canned ----- 21936 juice ----- 21937, 21938

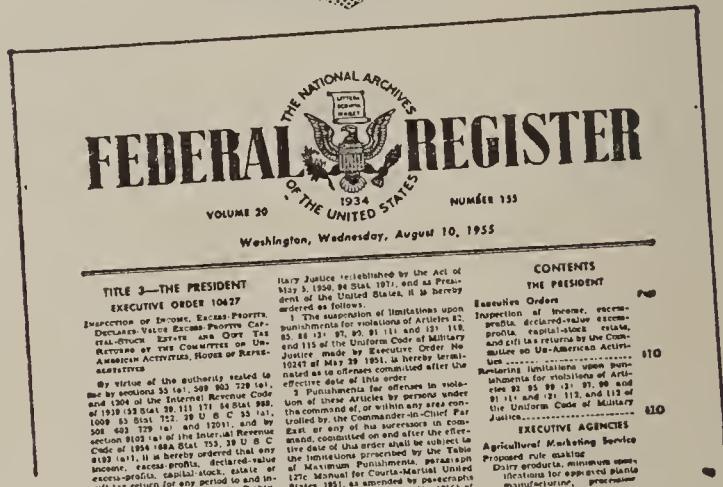
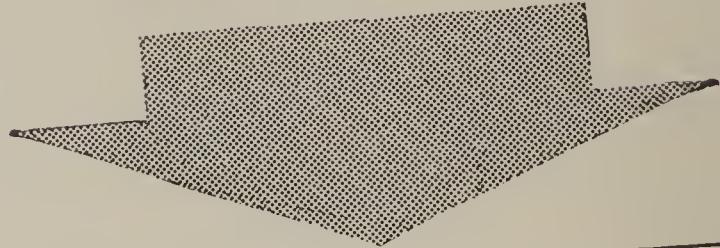
	N. J. No.		N. J. No.
Manhattan Egg Co., Inc.:		Schwartz, J., & Sons:	
frozen eggs-----	21915	candy-----	21902
Merrymeeting Farm:		Seago Callender Co.:	
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Ozio Fisheries:		Shriver, B. F., Co.:	
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unpopped yellow popcorn---	21911		
St. John, Berlin:			
fresh blueberries-----	21926		

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The Federal Register publishes the full text of Presidential Proclamations and Executive Orders, and the rules and regulations of the various Departments of the Federal Government.

**U. S. Department of Health, Education, and Welfare****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

21951-22000

**FOODS**

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections while held for sale after shipment in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation at the time of shipment, and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO P. LARRICK, *Commissioner of Food and Drugs.*

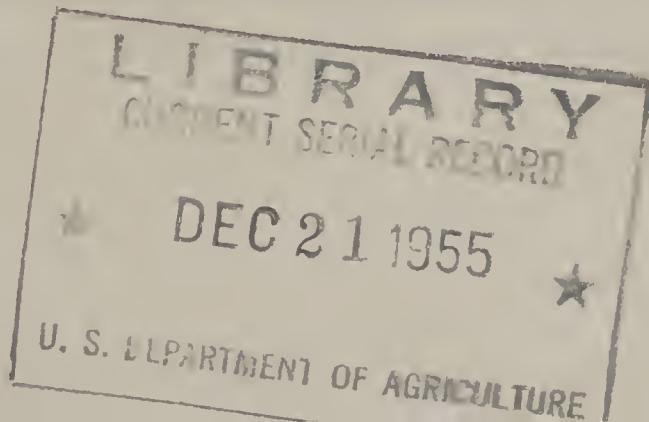
WASHINGTON, D. C., December 5, 1955.

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365507-55

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## CANDY

21951. Candy. (F. D. C. No. 37109. S. Nos. 72-878/81 L, 72-883/4 L.)

QUANTITY: 71 boxes, each containing 24 bars, 4 cases, each containing 12 boxes, and 6 boxes, each containing 48 bars, at Hannibal, Mo.

SHIPPED: Between 10-31-52 and 5-11-54, from Milwaukee, Wis., Dorchester, Mass., St. Paul, Minn., and Hershey, Pa.

LIBELED: 9-24-54, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-20-54. Default—destruction.

21952. Malted milk crunch. (F. D. C. No. 37416. S. No. 81-238 L.)

QUANTITY: 1 100-lb. drum at San Francisco, Calif., in possession of De Pue Warehouse Co.

SHIPPED: 9-5-50 or 12-16-52, from Oconomowoc, Wis.

LIBELED: 11-12-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-30-54. Default—destruction.

21953. Sugar-coated popcorn. (F. D. C. No. 37359. S. Nos. 78-587/8 L.)

QUANTITY: 258 cases, each containing 24 4 $\frac{3}{4}$ -oz. pkgs., at Westville, N. J.

SHIPPED: Between 9-20-54 and 10-8-54 from New York, N. Y.

LIBELED: 11-15-54, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-23-54. Default—destruction.

## CEREALS AND CEREAL PRODUCTS

### CORNMEAL

21954. Cornmeal. (F. D. C. No. 37388. S. No. 88-331 L.)

QUANTITY: 9 100-lb. bags at Pittsburgh, Pa.

SHIPPED: 7-28-54, from Nappanee, Ind.

LIBELED: 10-27-54, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-2-55. Consent—claimed by Winton Co. Converted to animal feed.

21955. Cornmeal and flour. (F. D. C. No. 37317. S. Nos. 77-291/5 L.)

QUANTITY: 61 100-lb. bags of cornmeal and 7 100-lb. bags, 5 50-lb. bags, and 6 25-lb. bags of flour at Shenandoah, Pa.

SHIPPED: Between 2-25-54 and 8-12-54, from Circleville, Ohio.

LIBELED: 10-28-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-5-55. Default—destruction.

**21956. Yellow cornmeal, rolled wheat, whole wheat cereal, rolled oats, white cornmeal, and cake flour.** (F. D. C. No. 37351. S. Nos. 63-802 L, 63-804/9 L.)

**QUANTITY:** 5 100-lb. bags of yellow cornmeal, 7 100-lb. bags of rolled wheat, 6 100-lb. bags of whole wheat cereal, 9 100-lb. bags of rolled oats, 5 100-lb. bags of white cornmeal, and 3 100-lb. bags of cake flour, at Peoria, Ill., in possession of Chris Hoerr & Son Co.

**SHIPPED:** Between 12-31-53 and 9-27-54, from Cedar Rapids, Iowa, Minneapolis, Minn., and Evansville, Ind.

**LIBELED:** 11-9-54, S. Dist. Ill.

**CHARGE:** 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-15-54. Consent—claimed by Chris Hoerr & Son Co. Converted to animal feed.

#### FLOUR\*

**21957. Flour.** (F. D. C. No. 37436. S. Nos. 10-525/7 L.)

**QUANTITY:** 7 100-lb. bags and 92 50-lb. bags at Wadena, Minn., in possession of Central Co-operative Wholesale.

**SHIPPED:** Between 10-6-54 and 10-27-54, from Grand Forks, N. Dak.

**LIBELED:** 11-26-54, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 1-20-55. Consent—claimed by Central Co-operative Wholesale. Converted to animal feed.

**21958. Flour.** (F. D. C. No. 37391. S. Nos. 78-057/8 L.)

**QUANTITY:** 550 50-lb. bags at Williston, N. Dak., in possession of Farmers Union Grain & Supply Co.

**SHIPPED:** Between 7-28-54 and 8-20-54, from Great Falls, Mont.

**LIBELED:** 10-29-54, Dist. N. Dak.

**CHARGE:** 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 11-29-54. Consent—claimed by Farmers Union Grain & Supply Co. 348 50-lb. bags converted to animal feed.

**21959. Flour.** (F. D. C. No. 37386. S. No. 78-133 L.)

**QUANTITY:** 117 50-lb. bags at Thief River Falls, Minn., in possession of L. B. Hartz Wholesale Grocery.

**SHIPPED:** 9-22-54, from Grand Forks, N. Dak.

**LIBELED:** 11-1-54, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 1-18-55. Default—consumption by animals.

\*See also Nos. 21955, 21956, 21976.

21960. Flour. (F. D. C. No. 37409. S. Nos. 78-513/4 L.)

QUANTITY: 66 50-lb. bags at Pocatello, Idaho, in possession of Idaho Wholesale Grocery.

SHIPPED: Between 7-29-54 and 9-23-54, from Ogden, Utah.

LIBELED: 11-9-54, Dist. Idaho.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-6-54. Default—destruction.

21961. Flour. (F. D. C. No. 37453. S. No. 14-284 M.)

QUANTITY: 58 25-lb. bags and 4 50-lb. bags at Sedalia, Mo., in possession of Fred M. Lange.

SHIPPED: 9-29-54, from Wichita, Kans.

LIBELED: 11-30-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-11-55. Default—destruction.

21962. Flour. (F. D. C. No. 37382. S. Nos. 10-204/10 M.)

QUANTITY: 66 100-lb. bags and 920 50-lb. bags at Mason City, Iowa, in possession of Mason City Warehouse Corp.

SHIPPED: Between 8-26-54 and 10-20-54, from Minneapolis, Minn., Lincoln, Nebr., and Valley City, N. Dak.

LIBELED: 11-29-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-14-54. Consent—claimed by Carroll Sales Co., Inc. 6,730 lbs. segregated as unfit and destroyed.

21963. Flour. (F. D. C. No. 37417. S. No. 10-521 M.)

QUANTITY: 69 100-lb. bags at Minneapolis, Minn., in possession of Russell-Miller Milling Co.

SHIPPED: 6-19-54, from Valley City, N. Dak.

LIBELED: 11-10-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-7-54. Consent—claimed by Russell-Miller Milling Co. Consumption by animals.

21964. Flour. (F. D. C. No. 37423. S. No. 10-283 M.)

QUANTITY: 79 100-lb. bags at Duluth, Minn., in possession of Rust-Parker Grocery Co.

SHIPPED: 10-2-54, from Grand Forks, N. Dak.

LIBELED: 11-17-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-6-55. Consent—claimed by Rust-Parker Grocery Co. 24 100-lb. bags denatured for consumption by animals.

**21965. Flour.** (F. D. C. No. 37384. S. No. 78-072 L.)

QUANTITY: 660 50-lb. bags at Worthington, Minn., in possession of Smith Storage and Transfer.

SHIPPED: Between 8-27-54 and 9-10-54, from Great Falls, Mont.

LIBELED: 10-23-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-22-54. Consent—claimed by Robson Grocery Co. 400 50-lb. bags converted to animal feed.

**21966. Flour and unshelled peanuts.** (F. D. C. No. 37361. S. Nos. 85-882/6 L.)

QUANTITY: 119 100-lb. bags and 124 50-lb. bags of flour and 9 100-lb. bags of unshelled peanuts at Waterloo, Iowa, in possession of Gamble-Robinson Co.

SHIPPED: Between 1-26-54 and 10-5-54, from Minneapolis, Minn., and St. Paul, Minn.

LIBELED: 11-15-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—flour contained rodent filth and peanuts contained insects and rancid and moldy peanuts; and, 402 (a) (4)—both products held under insanitary conditions.

DISPOSITION: 12-17-54. Consent—claimed by Pacific Gamble-Robinson Co. Peanuts and 2,135 lbs. of flour denatured for use as animal feed.

### MACARONI AND NOODLE PRODUCTS

**21967. Egg noodles.** (F. D. C. No. 37392. S. Nos. 78-138/40 L.)

QUANTITY: 15 cases, each containing 12 1-lb. pkgs., and 20 cases, each containing 24 8-oz. pkgs., at Grand Forks, N. Dak.

SHIPPED: Between 2-5-53 and 2-22-54, from Minneapolis, Minn.

LIBELED: 10-29-54, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-10-54. Default—destruction.

**21968. Egg noodles.** (F. D. C. No. 36938. S. Nos. 89-558/60 L.)

QUANTITY: 57 cases, each containing 24 5-oz. packages, at Dubuque, Iowa.

SHIPPED: Between 8-22-53 and 7-26-54, from Omaha, Nebr.

LIBELED: 9-1-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-5-54. Default—destruction.

**21969. Egg noodles.** (F. D. C. No. 37285. S. Nos. 83-803/4 L, 83-806/8 L.)

QUANTITY: 29 cases, each containing 24 10-oz. pkgs., 16 cases, each containing 25 5-oz. pkgs., and 10 24-oz. pkgs. at Davenport, Iowa.

SHIPPED: Between 6-28-54 and 9-17-54, from Omaha, Nebr.

LIBELED: 10-4-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-14-54; amended 10-15-54. Consent. Consumption by animals.

21970. Spaghetti and dried lima beans. (F. D. C. No. 37300. S. Nos. 90-059 L, 90-062 L.)

QUANTITY: 6 10-lb. cartons of spaghetti and 112 cases, each case containing 12 2-lb. bags, of lima beans at Lawton, Okla.

SHIPPED: Between September 1953 and February 1954, from Omaha, Nebr., St. Joseph, Mo., and Denver, Colo.

LIBELED: 10-21-54, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-14-54. Default—consumption by animals.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

21971. Rice. (F. D. C. No. 37415. S. No. 81-237 L.)

QUANTITY: 77 100-lb. bags at San Francisco, Calif., in possession of De Pue Warehouse Co.

SHIPPED: Between 10-7-53 and 12-7-53, from Houston, Tex.

LIBELED: 11-12-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-30-54. Default—destruction.

21972. Rice. (F. D. C. No. 37410. S. No. 85-887 L.)

QUANTITY: 40 25-lb. bags at Waterloo, Iowa, in possession of Artificial Ice & Fuel Co.

SHIPPED: 10-5-54, from Stuttgart, Ark.

LIBELED: 11-8-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-10-54. Default—destruction.

21973. Pumpernickel rye meal. (F. D. C. No. 37329. S. No. 71-559 L.)

QUANTITY: 28 100-lb. bags at New York, N. Y., in possession of Grossmac Trucking & Warehousing Corp.

SHIPPED: 8-30-54, from Minneapolis, Minn.

LIBELED: 10-29-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-22-54. Default—destruction.

21974. Doughnut mix. (F. D. C. No. 37443. S. No. 14-955 M.)

QUANTITY: 9 100-lb. bags at San Francisco, Calif.

SHIPPED: 3-12-53, from McKees Rocks, Pa.

LIBELED: 11-29-54, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-30-54. Default—destruction.

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\*See also No. 21956.

**21975. Waffle mix and corn muffin mix.** (F. D. C. No. 37457. S. Nos. 4-606/7 L.)

**QUANTITY:** 6 cases, each containing 6 5-lb. bags, of waffle mix, and 12 cases, each containing 6 5-lb. bags of corn muffin mix, at Buffalo, N. Y.

**SHIPPED:** Between 4-21-53 and 4-27-54, from Ellicott City, Md.

**LIBELED:** 12-7-54, W. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 1-6-55. Default—destruction.

**21976. Oatmeal and flour.** (F. D. C. No. 37390. S. Nos. 87-097 L, 87-099 L.)

**QUANTITY:** 24 100-lb. bags and 52 10-lb. bags of oatmeal and 20 100-lb. bags of flour at Cincinnati, Ohio.

**SHIPPED:** Between 8-12-54 and 8-31-54, from Cedar Rapids, Iowa, and Winfield, Kans.

**LIBELED:** 10-29-54, S. Dist. Ohio.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 1-5-55. Consent—claimed by White Villa Grocers, Inc. Oatmeal converted to animal feed and flour converted to liquid nonedible laundry starch.

## FISH AND SHELLFISH

**21977. Frozen chub and frozen sturgeon.** (F. D. C. No. 37340. S. Nos. 68-844/5 L.)

**QUANTITY:** 692 lbs. of frozen chub and 392 lbs. of frozen sturgeon at New York, N. Y.

**SHIPPED:** 9-1-54 and 9-2-54, from Ontario, Canada, and Seney, Mich.

**LIBELED:** 11-4-54, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 11-23-54. Default—destruction.

**21978. Frozen salmon.** (F. D. C. No. 37341. S. Nos. 68-847 L, 68-849 L.)

**QUANTITY:** 1,975 lbs. at New York, N. Y.

**SHIPPED:** Between 8-3-54 and 8-10-54, from Seattle, Wash.

**LIBELED:** 11-4-54, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 11-23-54. Default—destruction.

**21979. Frozen salmon.** (F. D. C. No. 37342. S. No. 68-846 L.)

**QUANTITY:** 1,044 lbs. at New York, N. Y.

**SHIPPED:** 8-3-54, from Nova Scotia, Canada.

**LIBELED:** 11-4-54, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 11-23-54. Default—destruction.

**21980. Dried salted stockfish.** (F. D. C. No. 37398. S. No. 74-564 L.)

**QUANTITY:** 687 lbs. at Los Angeles, Calif.

**SHIPPED:** 9-25-53, from Norway.

**LIBELED:** 11-3-54, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-23-54. Default—consumption by animals.

21981. Canned shrimp. (F. D. C. No. 37448. S. No. 10-968 M.)

QUANTITY: 12 cases, each containing 48 7-oz. cans, at Columbus, Miss.

SHIPPED: Shipped from Phoenix, La., approximately 4 years prior to filing of libel.

LIBELED: 12-2-54, N. Dist. Miss.

CHARGE: 402(a)(3)—unfit for food by reason of disagreeable odor, taste, and appearance while held for sale.

DISPOSITION: 2-10-55. Default—destruction.

21982. Frozen shrimp. (F. D. C. No. 37605. S. No. 4-920 M.)

QUANTITY: 39 cartons, 10 5-lb. pkgs. each, at Hillside, Ill.

SHIPPED: 8-25-54 and 8-27-54, from Morgan City and Brownsville, Tex.

LIBELED: 1-24-55, N. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed shrimp while held for sale.

DISPOSITION: 3-16-55. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

21983. Canned boysenberries. (F. D. C. No. 37442. S. No. 10-361 M.)

QUANTITY: 30 cases, each containing 6 6-lb., 10-oz. cans, at Minneapolis, Minn.

SHIPPED: 1-16-54, from Van Buren, Ark.

LIBELED: 11-26-54, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 1-24-55. Default—consumption by animals.

21984. Canned boysenberries. (F. D. C. No. 37396. S. No. 78-135 L.)

QUANTITY: 18 cases, each containing 48 8-oz. cans, at Thief River Falls, Minn.

SHIPPED: 7-29-53, from Van Buren, Ark.

LIBELED: 11-3-54, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 1-19-55. Default—destruction.

### DRIED FRUIT

21985. Pitted dates. (F. D. C. No. 37383. S. No. 16-091 M.)

QUANTITY: 177 50-lb. boxes at Seattle, Wash.

SHIPPED: 5-6-54, from Charleston, S. C.

LIBELED: 11-30-54, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-6-55. Default—consumption by animals.

21986. Prunes. (F. D. C. No. 36991. S. No. 89-472 L.)

QUANTITY: 62 cases, each containing 12 2-lb. packages, at Fargo, N. Dak.

SHIPPED: 8-10-54, from San Jose, Calif.

LIBELED: 10-6-54, Dist. N. Dak.

CHARGE: 402(a)(3)—contained decomposed substance and otherwise unfit for food by reason of disagreeable odor while held for sale.

DISPOSITION: 12-7-54. Default—destruction.

**21987. Prunes. (F. D. C. No. 36990. S. No. 85-908 L.)**

QUANTITY: 58 cases, each containing 12 2-lb. packages, at Grand Forks, N. Dak.

SHIPPED: 8-10-54, from San Jose, Calif.

LIBELED: 10-6-54, Dist. N. Dak.

CHARGE: 402(a)(3)—contained decomposed substance and otherwise unfit for food by reason of disagreeable odor while held for sale.

DISPOSITION: 12-7-54. Default—destruction.

**21988. Raisins. (F. D. C. No. 37412. S. No. 90-504 L.)**

QUANTITY: 36 cartons, each containing 24 1½-oz. pkgs., at Clay Center, Kans.

SHIPPED: 3-10-52, from St. Louis, Mo.

LIBELED: 11-9-54, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-5-55. Default—destruction.

**VEGETABLES\***

**21989. Dried beans. (F. D. C. No. 37343. S. No. 77-302 L.)**

QUANTITY: 20 cases, each containing 12 2-lb. bags, at Philadelphia, Pa.

SHIPPED: 6-25-54, from Oakfield, N. Y.

LIBELED: 11-3-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-14-54. Default—destruction.

**21990. Dried mushrooms. (F. D. C. No. 37650. S. No. 15-904 M.)**

QUANTITY: 3 cases, 20 5-lb. tins each, at Seattle, Wash.

SHIPPED: 12-24-53 and 3-31-54, from France.

LIBELED: 2-16-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-24-55. Default—consumption by animals.

**NUTS\*\***

**21991. Unshelled peanuts. (F. D. C. No. 37395. S. No. 56-295 L.)**

QUANTITY: 84 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 7-22-54, from Suffolk, Va.

LIBELED: 11-3-54, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-19-54. Default—consumption by animals.

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\*See also No. 21970.

\*\*See also No. 21966.

**21992. Unshelled peanuts.** (F. D. C. No. 37430. S. No. 8-601 M.)

QUANTITY: 39 100-lb. bags at Omaha, Nebr., in possession of Gamble-Robinson Co.

SHIPPED: 9-29-54, from Suffolk, Va.

LIBELED: 11-23-54, Dist. Nebr.

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-15-54. Consent—claimed by Pacific Gamble-Robinson Co. Peanuts reconditioned and rejects destroyed.

**21993. Shelled pecans.** (F. D. C. No. 37413. S. No. 87-324 L.)

QUANTITY: 262 cases, each containing 24 7-oz. pkgs., at Spokane, Wash.

SHIPPED: Between 7-1-54 and 9-23-54, from San Antonio, Tex.

LIBELED: 11-9-54, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-6-54. Consent—claimed by Azar & Solomon. 156 lbs. destroyed.

**21994. Unshelled walnuts.** (F. D. C. No. 37449. S. Nos. 3-824/5 M.)

QUANTITY: 10 100-lb. bags at Erie, Pa.

SHIPPED: Between 10-26-53 and 11-8-53, from San Francisco, Calif., and Los Angeles, Calif.

LIBELED: 11-29-54, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained moldy walnuts while held for sale.

DISPOSITION: 1-26-55. Default—consumption by animals.

**21995. Unshelled walnuts.** (F. D. C. No. 37428. S. No. 10-601 M.)

QUANTITY: 4 100-lb. bags at Deadwood, S. Dak.

SHIPPED: 11-1-53, from Los Angeles, Calif.

LIBELED: 11-22-54, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained insect filth and moldy and rancid walnuts while held for sale.

DISPOSITION: 1-11-55. Consent—claimed by Black Hills Mercantile Co. Destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**21996. Mixed pickling spice.** (F. D. C. No. 37431. S. No. 9-804 M.)

QUANTITY: 1 100-lb. bag at Minneapolis, Minn.

SHIPPED: 11-4-54, from Chicago, Ill.

LIBELED: 11-26-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-24-55. Default—consumption by animals.

**21997. Brown mustard seed, sage, and yellow mustard seed.** (F. D. C. No. 37367. S. Nos. 9-801 M, 9-881/2 M.)

QUANTITY: 59 100-lb. bags of brown mustard seed, 20 57-lb. bags of sage, and 26 100-lb. bags of yellow mustard seed at Minneapolis, Minn., in possession of McLaughlin-Gormley-King Co.

SHIPPED: Between 7-22-52 and 8-26-54, from Havre, Mont., and Brooklyn, N. Y.

LIBELED: 11-16-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent filth; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-20-54. Consent—claimed by McLaughlin-Gormley-King Co. 2,049 lbs. of brown mustard seed, 186 lbs. of sage, and 621 lbs. of yellow mustard seed destroyed.

**21998. Turmeric. (F. D. C. No. 37061. S. No. 49-762 L.)**

QUANTITY: 64 140-lb. bags at New York, N. Y.

SHIPPED: 5-5-54, imported from India.

LIBELED: 8-24-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-20-54. Consent—claimed by Otto Gerdau Co. Segregated, 1,228 lbs. destroyed.

### **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**21999. Soyalac concentrated liquid hypoallergenic infant food. (F. D. C. No. 37037. S. No. 71-272 L.)**

QUANTITY: 144 cases, each containing 12 15-oz. cans, at Chicago, Ill.

SHIPPED: 6-17-54, from Mt. Vernon, Ohio.

LIBELED: 8-5-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 12-15-54. Default—destruction.

**22000. Soyalac concentrated liquid hypoallergenic infant food. (F. D. C. No. 36911. S. No. 75-734 L.)**

QUANTITY: 60 cases, each containing 12 15-oz. cans, at Peoria, Ill.

SHIPPED: Between 3-19-54 and 5-11-54, from Mt. Vernon, Ohio.

LIBELED: 8-4-54, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 9-27-54. Default—destruction.

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## SHIPPIERS, MANUFACTURERS, AND DISTRIBUTORS

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Farmers Union Grain & Supply		Lange, F. M.:	
Co.:		flour -----	21961
flour -----	21958	McLaughlin-Gormley-King Co.:	
Gamble-Robinson Co.:		brown mustard seed, sage, and	
flour -----	21966	yellow mustard seed-----	21997
peanuts, unshelled-----	21966, 21992	Mason City Warehouse Corp.:	
Grossmac Trucking & Warehous-		flour -----	21962
ing Corp.:		Russell-Miller Milling Co.:	
pumpernickel rye meal-----	21973	flour -----	21963
Hartz, L. B., Wholesale Grocery:		Rust-Parker Grocery Co.:	
flour -----	21959	flour -----	21964
		Smith Storage & Transfer:	
		flour -----	21965

**U. S. Department of Health, Education, and Welfare**  
**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
 DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22001-22050

**FOODS**

DEC 28 1955

U. S. DEPARTMENT OF AGRICULTURE

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections when introduced into and while in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation while held for sale after shipment in interstate commerce and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., December 9, 1955.

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## BEVERAGES AND BEVERAGE MATERIALS\*

**22001. Orange drink.** (F. D. C. No. 36982. S. No. 66-282 L.)

QUANTITY: 1,210 cases, 12 cans each, at Detroit, Mich.

SHIPPED: 8-18-54, from Chicago, Ill., by Coffee Processors, Inc.

LABEL IN PART: "Fresh 'N Rich Brand Orange Drink \* \* \* 1 Qt. 14 Fl. Oz."

LIBELED: 9-30-54, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 11-9-54. Default—destruction.

**22002. Strawberry soda, orange soda, root beer, grape soda, and cola.** (F. D. C. No. 37709. S. Nos. 6-056/60 M.)

QUANTITY: 872 cases, 24 12-oz. cans each, at Chattanooga, Tenn.

SHIPPED: 2-16-55, from Orlando, Fla., by Fidelity Storage & Warehouse Co.

LABEL IN PART: (Can) "Donald Duck \* \* \* Strawberry Soda," "Donald Duck \* \* \* Orange Soda," "Donald Duck \* \* \* Root Beer," "Donald Duck \* \* \* Grape Soda," or "Donald Duck \* \* \* Cola."

LIBELED: 3-15-55, E. Dist. Tenn.

CHARGE: 402 (a) (3)—articles had a metallic, sour taste when shipped.

DISPOSITION: 5-23-55. Default—destruction.

**22003. Ground coffee.** (F. D. C. No. 36832. S. Nos. 71-816 L, 83-105 L.)

QUANTITY: 13 80-lb. bags at Chicago, Ill.

SHIPPED: 4-20-54 and 4-29-54, from Brooklyn, N. Y., by A. J. Lipstock & Co.

LIBELED: 6-9-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insect filth when shipped.

DISPOSITION: 9-30-54. Default—destruction.

## CANDY

**22004. Candy.** (F. D. C. No. 37557. S. No. 12-178 M.)

QUANTITY: 936 4-oz. boxes at Bronx, N. Y.

SHIPPED: 10-5-54 and 11-9-54, from Philadelphia, Pa., by J. Schwartz & Sons (Victorian Candy Co.).

LABEL IN PART: "6 Victorian Candy Canes."

LIBELED: 12-30-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained textile fibers and wood fragments; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-21-55. Default—destruction.

**22005. Candy.** (F. D. C. No. 37480. S. No. 4-005 M.)

QUANTITY: 37 cartons, 24 1-lb. tubs each, at Bradford, Pa.

SHIPPED: 10-7-54 and 10-28-54, from Oswego, N. Y., by Oswego Candy Co.

LABEL IN PART: (Tub) "Ox-Heart Brand \* \* \* Ox-Heart Chocolate Cream Drops."

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\*See also Nos. 22030, 22031.

LIBELED: 12-20-54, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-26-55. Default—destruction.

22006. Candy. (F. D. C. No. 37473. S. No. 6-346 M.)

QUANTITY: 48 15-lb. pails at Akron, Ohio.

SHIPPED: 10-22-54, from Oswego, N. Y., by Oswego Candy Co.

LABEL IN PART: "Ox-Heart Brand \* \* \* Ox-Heart Chocolate Cream Drops."

LIBELED: 12-21-54, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-24-55. Default—destruction.

22007. Bubble gum. (F. D. C. No. 37112. S. No. 60-793 L.)

QUANTITY: 46 boxes, 120 pieces each, at Concord, N. C.

SHIPPED: 8-17-54, from Shelby, Ohio, by Shelby Gum Co.

LABEL IN PART: "E-Z-Blo."

LIBELED: 9-30-54, M. Dist. N. C.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-20-54. Default—destruction.

## DAIRY PRODUCTS

### BUTTER

22008. Butter. (F. D. C. No. 37128. S. No. 83-141 L.)

QUANTITY: 21 65-lb. boxes at Chicago, Ill.

SHIPPED: 8-17-54, from Harper, Kans., by Harper Creamery.

LABEL IN PART: "Creamery Butter Attica Co-op. Cry. Attica, Kan."

LIBELED: 9-8-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects, insect parts, and dung fragments; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-29-54. Default—destruction.

22009. Butter. (F. D. C. No. 37140. S. Nos. 2-767/8 M.)

QUANTITY: 24 cases, 32 1-lb. prints each, at Boston, Mass.

SHIPPED: 10-25-54 and 11-12-54, from Kansas City, Mo., by American Dairies, Inc.

LABEL IN PART: (Print) "Penn Valley Brand Creamery Butter \* \* \* Distributed By American Dairies, Inc., Kansas City, Mo."

RESULTS OF INVESTIGATION: Examination showed that the butter had been prepared from decomposed cream.

LIBELED: 1-6-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 2-21-55. Default—destruction.

**22010. Butter.** (F. D. C. No. 37082. S. No. 72-769 L.)

QUANTITY: 145 64-lb. cubes and 1 55-lb. cube at Galva, Ill.

SHIPPED: On or about 8-18-54 and 8-19-54, quantities of cream were shipped from Arkansas, Indiana, Iowa, Missouri, Mississippi, and Tennessee, to Galva, Ill.

RESULTS OF INVESTIGATION: The cream shipped in interstate commerce, as above-described, was manufactured into butter at Galva, Ill. Examination showed that the cream was decomposed.

LIBELED: 9-7-54, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance.

DISPOSITION: 10-4-54. Consent—claimed by Galva Creamery Co. Converted into butter oil.

## EGGS

**22011. Frozen eggs.** (F. D. C. No. 37673. S. No. 12-672 M.)

QUANTITY: 794 30-lb cans at Brooklyn, N. Y.

SHIPPED: 2-3-55, from Chicago, Ill., by Sol Rich & Co., Inc.

LIBELED: 3-3-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 3-28-55. Consent—claimed by Nathan Erlich, Inc., New York, N. Y. 464 30-lbs cans segregated as unfit, of which 4 cans were delivered to Food and Drug Administration and remainder denatured.

**22012. Frozen eggs.** (F. D. C. No. 37551. S. No. 12-653 M.)

QUANTITY: 768 30-lb cans at Brooklyn, N. Y.

SHIPPED: 12-4-54, from Greenville, S. C., by Dixie Home Store.

LIBELED: 12-27-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-19-55. Consent—claimed by Dixie Home Store. 157 30-lb. cans segregated as unfit and denatured.

**22013. Frozen eggs.** (F. D. C. No. 37662. S. No. 18-201 M.)

QUANTITY: 655 30-lb cans at Brooklyn, N. Y.

SHIPPED: 1-25-55, from Chicago, Ill., by Nathan Erlich Ex Zero Food Storage.

LIBELED: 2-17-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 3-28-55. Consent—claimed by Nathan Erlich, Inc., New York, N. Y. 431 30-lb cans segregated as unfit and denatured.

## FISH AND SHELLFISH

**22014. Frozen ocean perch fillets.** (F. D. C. No. 37702. Sample Nos. 3-514 M, 3-522 M.)

QUANTITY: 905 cartons, 12 1-lb. pkgs. each, at Gloucester, Mass.

SHIPPED: 11-10-54, by Fabet Corp., Gloucester, Mass., to a cold storage firm in that city, where the article was held awaiting shipment to points outside Massachusetts.

LABEL IN PART: (Pkg.) "Captain's Choice Brand \* \* \* Ocean Perch Fillets Fresh-Frozen."

LIBELED: 3-9-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 3-23-55. Consent—claimed by Fabet Corp. Converted to fish meal.

**22015. Frozen ocean perch fillets. (F. D. C. No. 37644. S. Nos. 3-075/6 M.)**

QUANTITY: 198 50-lb. cartons at Boston, Mass.

SHIPPED: 1-19-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: "Deep Sea Brand Ocean Perch Fillets Frozen" or "Boston Bonnie Brand Fillets Fresh Frosted Ocean Perch."

LIBELED: 2-4-55, Dist. Mass

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 3-21-55. Default—consumption by animals.

**22016. Canned tuna. (F. D. C. No. 37674. S. No. 13-502 M.)**

QUANTITY: 6 cases, 48 7-oz. cans each, at Philadelphia, Pa.

SHIPPED: 5-15-54, from Ponce, P. R., by South Pacific Canning Co.

LABEL IN PART: (Can) "Blue-Shore Brand Light Meat Tuna."

LIBELED: 2-18-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 5-4-55. Default—destruction.

**22017. Crabmeat. (F. D. C. No. 35898. S. No. 67-559 L.)**

QUANTITY: 429 1-lb. cans at Galveston, Tex.

SHIPPED: 7-2-54, 7-6-54, and 7-7-54, from Morgan City, La., by Oazio Fisheries.

LIBELED: On or about 8-16-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained a filthy animal substance (*E. coli* of fecal origin); and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-4-55. Default—destruction.

**22018. Crabmeat. (F. D. C. No. 37136. S. No. 68-274 L.)**

QUANTITY: 1 barrel containing 94 1-lb. cans at Pittsburgh, Pa.

SHIPPED: 10-5-54, from Mobile, Ala., by Star Fish & Oyster Co.

LIBELED: 10-8-54, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained filthy animal substance (*E. coli* of fecal origin); and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-3-54. Default—destruction.

**FRUITS AND VEGETABLES**

**DRIED FRUIT**

**22019. Dried currants. (F. D. C. No. 37021. S. No. 71-824 L.)**

QUANTITY: 10 30-lb. cartons at Chicago, Ill.

SHIPPED: 5-26-54, from Fresno, Calif., by Vagim Packing Co.

LABEL IN PART: (Carton) "Plump And Meaty Brand California Zante Currants."

LIBELED: 7-28-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-21-54. Default—destruction.

**22020. Raisins.** (F. D. C. No. 37107. S. Nos. 87-824/5 L.)

QUANTITY: 698 30-lb. cases at Philadelphia, Pa.

SHIPPED: 7-29-54, from Fresno, Calif., by Sun Maid Raisin Growers of California.

LABEL IN PART: (Case) "Sun-Maid Raisins \* \* \* Thompson Seedless."

LIBELED: 9-29-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-3-54. Default—destruction.

**22021. Raisins.** (F. D. C. No. 37664. S. No. 3-073 M.)

QUANTITY: 63 30-lb. cases at Malden, Mass.

SHIPPED: 10-18-54, from Stockton, Calif., by Tusan Packing Co.

LABEL IN PART: "Tusan Brand Select Thompson Seedless Raisins."

LIBELED: 2-17-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 3-21-55. Default—destruction.

**22022. Raisins.** (F. D. C. No. 37658. S. No. 3-071 M.)

QUANTITY: 21 30-lb. cases at Boston, Mass.

SHIPPED: 10-18-54, from Stockton, Calif., by Tusan Packing Co.

LABEL IN PART: "Tusan Brand Select Thompson,Seedless Raisins."

LIBELED: 2-14-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 3-21-55. Default—destruction.

## FRESH FRUIT

**22023. Fresh blueberries.** (F. D. C. No. 37135. S. No. 68-725 L.)

QUANTITY: 564 23-lb. cans at Marlboro, N. Y.

SHIPPED: 8-7-54, from Carbondale, Pa., by Philip Curcio.

LIBELED: 9-10-54, S. Dist., N. Y.

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 10-5-54. Default—destruction.

## VEGETABLES AND VEGETABLE PRODUCTS

**22024. Olives.** (F. D. C. No. 37050. S. No. 87-881 L.)

QUANTITY: 249 cases, 12 1-lb., 5-oz. jars each, at Philadelphia, Pa.

SHIPPED: 4-16-54, from St. Louis, Mo., by A. C. L. Haase Co.

LABEL IN PART: (Jar) "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento."

LIBELED: 9-22-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained wormy olives and rotten olives when shipped.

DISPOSITION: 10-20-54. Default—destruction.

22025. Frozen french-fried onion rings. (F. D. C. No. 37716. S. No. S-235 M.)

QUANTITY: 249 cases, 12 4-oz. pkgs. each, at Kansas City, Kans.

SHIPPED: 12-7-54, from Pitman, N. J., by Home Style Foods, Inc.

LABEL IN PART: (Pkg.) "Home Style Freshly Fried and Frozen \* \* \* French Fried Onion Rings."

LIBELED: 1-3-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-21-55. Default—destruction.

22026. Frozen potato patties. (F. D. C. No. 37408. S. No. 87-096 L.)

QUANTITY: 448 boxes at Cincinnati, Ohio.

SHIPPED: 10-7-54, from Ontario, Oreg., by Ore-Ida Potato Products, Inc.

LABEL IN PART: "8 Doz. Shredded Potato Patties" or "8 Doz. Patties From Idaho Potatoes."

LIBELED: 11-5-54, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained fly fragments; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-3-54. Default—destruction.

### TOMATOES AND TOMATO PRODUCTS

22027. Canned tomatoes. (F. D. C. No. 37401. S. No. 66-284 L.)

QUANTITY: 1,097 cases, 24 1-lb. cans each, at Detroit, Mich.

SHIPPED: 9-14-54, from Federalsburg, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Tomatoes."

RESULTS OF INVESTIGATION: An investigation revealed that the article was manufactured by Wright Bros., Federalsburg, Md.

LIBELED: 11-3-54, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-24-55. Default—destruction.

22028. Canned tomatoes. (F. D. C. No. 37685. S. No. 13-501 M.)

QUANTITY: 348 cases, 6 6-lb., 6-oz. cans each, at Philadelphia, Pa.

SHIPPED: 6-9-54, from Cologne, N. J., by Ariston Canning Co.

LABEL IN PART: (Can) "Ariston Brand Tomatoes."

LIBELED: 2-25-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 5-4-55. Default—destruction.

22029. Tomato catsup. (F. D. C. No. 37471. S. No. 6-252 M.)

QUANTITY: 35 cases, 6 7-lb. cans each, at Medina, Ohio.

SHIPPED: 10-18-54, from Angola, N. Y., by Erie County Frosted Foods & Canning Corp.

LABEL IN PART: (Can) "Pride of Evans Brand Tomato Catsup."

LIBELED: 12-21-54, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-19-55. Default—destruction.

**22030. Tomato juice.** (F. D. C. No. 37399. S. No. 88-904 L.)

QUANTITY: 808 cases, 12 1-qt., 14-oz. cans each, at Milwaukee, Wis.

SHIPPED: 9-24-54, from Defiance, Ohio, by Lutz Bros. Canning Co.

LABEL IN PART: (Can) "Garden Fresh Brand Tomato Juice."

LIBELED: 11-3-54, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 12-7-54. Default—destruction.

**22031. Tomato juice.** (F. D. C. No. 37421. S. No. 16-082 M.)

QUANTITY: 10 cases, 12 1-qt., 14-oz. cans each, at Ketchikan, Alaska.

SHIPPED: 11-3-54, from Seattle, Wash., by Associated Grocers Co-op.

LABEL IN PART: (Can) "Tastewell \* \* \* Tomato Juice."

LIBELED: 11-16-54, Dist. Alaska.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 12-10-54. Consent—destruction.

**22032. Tomato puree.** (F. D. C. No. 37472. S. No. 4-205 M.)

QUANTITY: 63 cases, 24 1-lb., 12-oz. cans each, at Albany, N. Y.

SHIPPED: 9-17-54, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Brand De Cecco \* \* \* Tomato Puree \* \* \*  
Packed \* \* \* By John N. Wright, Jr. Hurlock, Md."

LIBELED: 12-18-54, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-27-55. Default—destruction.

## NUTS

**22033. Unshelled mixed nuts.** (F. D. C. No. 37429. S. Nos. 8-608/9 M.)

QUANTITY: 27 cases, 24 1-lb. bags each, at Omaha, Nebr.

SHIPPED: 10-26-54, from Chicago, Ill., by Robert L. Berner Co.

LABEL IN PART: (Bag) "Berner's Holiday Brand Extra Fancy Nuts" or  
"Spun-Gold \* \* \* Fancy Nuts."

LIBELED: 11-19-54, Dist. Nebr.

CHARGE: 402 (a) (3)—contained decomposed nuts and empty shells when shipped.

DISPOSITION: 12-10-54. Consent. The shipper having waived rights to the product, the court ordered that it be fed to animals.

**22034. Unshelled mixed nuts.** (F. D. C. No. 37445. S. No. 6-686 M.)

QUANTITY: 17 cases, 24 1-lb. bags each, at Cincinnati, Ohio.

SHIPPED: 10-21-54, from Chicago, Ill., by Robert L. Berner Co.

LABEL IN PART: (Bag) "Harvest Moon Brand."

LIBELED: 11-24-54, S. Dist, Ohio.

CHARGE: 402 (a) (3)—contained insect-infested nuts, decomposed nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 12-6-54. Default—consumption by animals.

**22035. Unshelled brazil nuts.** (F. D. C. No. 37440. S. No. 10-685 M.)

QUANTITY: 100 50-lb. bags at Minneapolis, Minn.

SHIPPED: 11-4-54, from New York, N. Y., by Wm. A. Higgins & Co., Inc.

LABEL IN PART: "Holly New Crop Large Washed Brazil Nuts."

LIBELED: 11-30-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed brazil nuts when shipped.

DISPOSITION: 12-16-54. Consent—claimed by Wm. A. Higgins & Co., Inc. 1,046 lbs. segregated as unfit and destroyed.

**22036. Unshelled brazil nuts.** (F. D. C. No. 37439. S. No. 10-683 M.)

QUANTITY: 40 50-lb. bags at Minneapolis, Minn.

SHIPPED: 11-4-54, from New York, N. Y., by Wm. A. Higgins & Co., Inc.

LABEL IN PART: "Holly New Crop Large Washed Brazil Nuts."

LIBELED: 11-26-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed brazil nuts when shipped.

DISPOSITION: 12-16-54. Consent—claimed by Wm. A. Higgins & Co., Inc. 427 lbs. segregated as unfit and destroyed.

**22037. Oil stock peanuts.** (F. D. C. No. 37690. S. Nos. 1-789/90 M.)

QUANTITY: 190 110-lb. bags at Suffolk, Va.

SHIPPED: 2-2-55 and 2-3-55, from Edenton, N. C., by Albermarle Peanut Co., Inc.

LIBELED: 3-3-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-25-55. Consent—claimed by Albermarle Peanut Co., Inc. The oil manufactured from the peanuts was denatured with kerosene.

**22038. Shelled pecans.** (F. D. C. No. 37663. S. Nos. 12-476/7 M, 12-479 M.)

QUANTITY: 208 30-lb. cartons at Brooklyn, N. Y.

SHIPPED: 12-5-54 and 12-11-54, from Albany, Ga., by Miller Pecan Co.

LABEL IN PART: "Miller's Select Extra Fancy Pecans."

LIBELED: 2-17-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rancid pecans when shipped.

DISPOSITION: 4-20-55. Consent—claimed by Jerissa Nut Co., Inc., Brooklyn, N. Y. 100 30-lb. cartons segregated as unfit and denatured.

**22039. Shelled walnuts.** (F. D. C. No. 37468. S. Nos. 10-289/91 M.)

QUANTITY: 42 27½-lb. boxes and 9 55-lb. boxes at Hopkins, Minn.

SHIPPED: 9-20-54, from New York, N. Y., by Pan American Food Co.

LABEL IN PART: "Pafco New York Extra Halves Fresh Shelled Walnuts," "Large Mayettes Halves," and "Pafco \* \* \* Shelled Walnuts Broken."

LIBELED: 12-10-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained moldy walnuts when shipped.

DISPOSITION: 2-5-55. Consent—claimed by Super Valu Stores, Inc. 597 lbs. segregated as unfit and denatured.

## POULTRY

22040. Dressed poultry. (F. D. C. No. 37086. S. No. 76-874 L.)

QUANTITY: 1,585 lbs. in 23 crates at Boston, Mass.

SHIPPED: 7-18-54, from Belfast, Maine, by Maplewood Packing Co.

LIBELED: 9-7-54, Dist. Mass.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and decomposed birds when shipped.

DISPOSITION: 10-18-54. Default—destruction.

22041. Dressed poultry. (F. D. C. No. 37668. S. No. 11-868 M.)

QUANTITY: 739 lbs. in 10 crates at New York, N. Y.

SHIPPED: 2-3-55, from Snow Hill, Md., by Maryland Chicken Processors, Inc.

LIBELED: 2-28-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed birds, birds contaminated with fecal matter, and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 3-17-55. Default—destruction.

22042. Dressed poultry. (F. D. C. No. 37288. S. No. 76-882 L.)

QUANTITY: 342 lbs. in 5 crates at Boston, Mass.

SHIPPED: 9-27-54, from Goffstown, N. H., by Karanikas & Sons.

LIBELED: 10-6-54, Dist. Mass.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material when shipped.

DISPOSITION: 11-29-54. Default—destruction.

22043. Dressed turkeys. (F. D. C. No. 37517. S. Nos. 11-862/3 M.)

QUANTITY: 677 lbs. in 13 crates and 251 lbs. in 5 crates at New York, N. Y.

SHIPPED: 11-17-54, from Presque Isle, Maine, by Penobscot Poultry Co.

LIBELED: 12-20-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and extraneous material, and extensively bruised birds, when shipped; and, 402 (a) (5)—contained birds that had died otherwise than by slaughter.

DISPOSITION: 1-7-55. Default—destruction.

22044. Chicken breasts. (F. D. C. No. 37681. S. Nos. 11-869/70 M.)

QUANTITY: 4 crates, 5 10-lb. bags each, at Newark, N. J.

SHIPPED: 2-10-55, from Wilmington, Del., by Ace Poultry Co., Inc.

LIBELED: 2-28-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained chicken breasts contaminated with fecal matter, crop material, and extraneous material; and, 402 (a) (5)—contained chicken breasts from diseased birds when shipped.

DISPOSITION: 4-27-55. Default—destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

22045. Spanish paprika and mixed spices. (F. D. C. No. 36962. S. Nos. 66-278 L, 66-280 L.)

QUANTITY: 1 38-lb. drum of Spanish paprika and 1 20-lb. container of mixed spices at Detroit, Mich.

SHIPPED: 8-16-54, from Cleveland, Ohio, by Van Rooy Coffee Co.

LIBELED: 9-21-54 (2 libel actions), E. Dist. Mich.

CHARGE: 402 (a) (3)—contained insect filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-18-54. Default—destruction.

22046. Red peppers. (F. D. C. No. 37347. S. No. 68-599 L.)

QUANTITY: 514 cases, 4 1-gal. jars each, at Brooklyn, N. Y.

SHIPPED: 9-21-54, from Milford, Del., by Milford Packing Co., Inc.

LIBELED: 11-12-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained flies, fly parts, and other insect fragments; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-10-55. Default—destruction.

22047. Sesame seed. (F. D. C. No. 37479. S. No. 10-051 M.)

QUANTITY: 2 100-lb. bags at Des Moines, Iowa.

SHIPPED: 11-29-54, from Chicago, Ill., by Sokol & Co.

LABEL IN PART: "Hulled Sesame Seed ECH Select \* \* \* Product of Nicaragua."

LIBELED: 12-20-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects and moldy seeds when shipped.

DISPOSITION: 1-22-55. Default—used as bird feed.

22048. Pizza sauce. (F. D. C. No. 37366. S. No. 76-721 L.)

QUANTITY: 2,000 cases, 96 6-oz. cans each, at Worcester, Mass.

SHIPPED: 9-18-54, from Hollister, Calif., by Hollister Canning Co.

LABEL IN PART: (Can) "Appian Way Italian Style Pizza Sauce."

LIBELED: 11-15-54, Dist. Mass.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 4-25-55. Default—destruction.

22049. Pizza sauce. (F. D. C. No. 37519. S. No. 12-485 M.)

QUANTITY: 147 cases, 6 6-lb., 8-oz. cans each, at New York, N. Y.

SHIPPED: 10-21-54, from Bristol, Pa., by Delaware Valley Packing Co.

LABEL IN PART: (Can) "Three Counts Brand California \* \* \* Pizza Sauce."

LIBELED: 12-21-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 1-7-55. Default—destruction.

**22050. Pizza sauce.** (F. D. C. No. 37362. S. No. 86-154 L.)

QUANTITY: 19 cases, 6 6-lb., 9-oz. cans each, at Trenton, N. J.

SHIPPED: 10-13-54, from Bristol, Pa., by Delaware Valley Packing Co.

LABEL IN PART: (Can) "Pomidora Brand \* \* \* Pizza Sauce."

LIBELED: 11-18-54, Dist. N. J.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

DISPOSITION: 1-5-55. Default—destruction.

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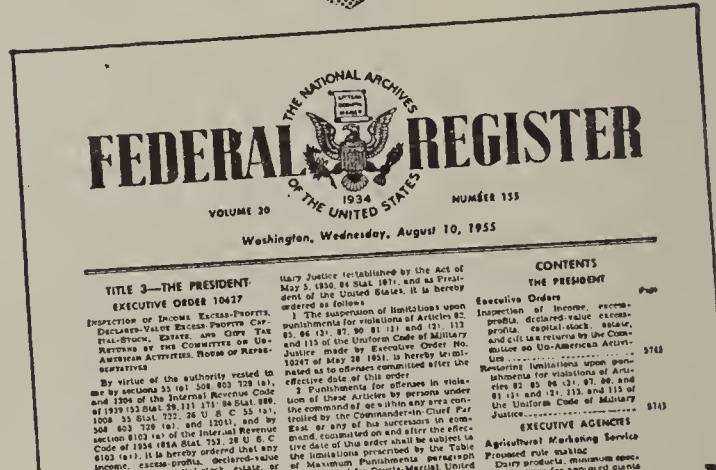
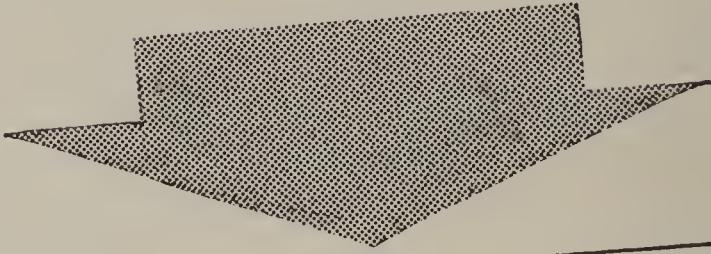
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The Federal Register publishes the full text of Presidential Proclamations and Executive Orders, and the rules and regulations of the various Departments of the Federal Government.

TITLE 3—THE PRESIDENT  
EXECUTIVE ORDER 10427  
Inspector of Income, Executive Orders,  
Declassification, Security Council  
Declassification, Executive, and GPO Tax  
Records at the Committee on Un-  
American Activities, House of Repre-  
sentatives

By virtue of the authority vested in  
me by sections 35 (e) (3), 501, 502, and by  
sections 1304 and 1305 of the Internal Revenue Code  
of 1936 (26 U.S.C. §§ 35, 1304, 1305, 1311, 171); 86 Stat. 898;  
1008; 55 Stat. 732, 24 U.S.C. §§ 55, 898;  
564; 60 Stat. 722; 61 Stat. 103; and by  
sections 8103 (e) (1) of the Internal Revenue  
Code of 1934 (65 Stat. 732, 29 U.S.C. §§  
1008; 55 Stat. 898; 61 Stat. 103; and by  
§ 604; 60 Stat. 722; 61 Stat. 103; and by  
§ 8103 (e) (1)). It is hereby ordered that any  
person who has profits, declared-value  
excess profits, capital stock, gains and  
gift tax returns for any period and in  
any year ending before December 31, 1954,  
be open to audit by the Un-American  
Representatives.

Military Justice, established by the Act of  
May 3, 1948 (62 Stat. 187), and as Presid-  
ent of the United States, it is hereby  
ordered as follows:

1. The suspension of limitations upon  
punishment for violations of Articles 82  
and 84 (3), 87, 90, 81 (1), 100, 101, 102  
and 113 of the Uniform Code of Military  
Justice, made by Executive Order No.  
10247 of May 28, 1951, is hereby sus-  
pended as to all offenses committed after the  
effective date of this order.

2. Punishments for offenses in viola-  
tion of the laws of war or persons under  
the command of or within any area con-  
trolled by the Commander-in-Chief in  
East or West Europe or in com-  
manded or controlled on and after the effec-  
tive date of this order shall be imposed in  
accordance with the Table of  
Maximum Punishments contained in  
the 1952 Manual for Courts-Martial, par-  
ticular Article 127c, Manual for Courts-Martial  
Blanks, 1951, as amended by paragraphs  
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